



**pennsylvania**  
DEPARTMENT OF TRANSPORTATION

**2016**

***EXTERNAL  
EQUAL OPPORTUNITY  
PLAN***

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## **Exhibits**

- Exhibit A – Notification Letters**
- Exhibit B – Contractor’s Self Analysis Package**
- Exhibit C – Project Review Questionnaires**
- Exhibit D – Voluntary Corrective Action Plan**
- Exhibit E – Letter of Findings and Conciliation Agreement/CAP**
- Exhibit F – Show Cause Meeting Notices**
- Exhibit G – Sanctions Notice**
- Exhibit H – Compliance Data Report PDT – 86**
- Exhibit I – Compliance Status Letter**
- Exhibit J – Follow-up Notification Letter**
- Exhibit K – Management Directive 410.10, Amended & EO Complaint Form**
- Exhibit L – OJT Training Special Provisions**
- Exhibit M– OJT Procedures POM**
- Exhibit N – OJT Forms**
- Exhibit O – 2012 PR-1392 Detailed Report**
- Exhibit P – Bureau Organization Chart**
- Exhibit Q – Administration Deputate Organization Chart  
(Internal/External EO Offices)**

# **Introduction**

## **INTRODUCTION**

The Pennsylvania Department of Transportation (PennDOT) oversees programs and policies affecting highways, urban and rural public transportation (mass transit), airports, aviation, rail service, ports, waterways, bridges, and facilities (including the state's Welcome Centers). More than three-quarters of PennDOT's annual budget is invested in Pennsylvania's approximately 120,000 miles of state and local highways and 32,000 state and local bridges. PennDOT is directly responsible for nearly 40,000 miles of highway and roughly 25,000 bridges, a system first established in 1911.

The Secretary of the Department of Transportation is assisted by a work force of approximately 12,000 men and women in the Department's central office and eleven (11) engineering districts.

The Department is responsible for administering motor vehicle registrations and operator licenses and plays a direct role in the administration of financial and management assistance to transit providers, local municipalities, and 67 county governments. These activities are financed from a budget, which derives its principal sources of revenue from liquid fuel taxes, motor license fees, and federal aid. Additional financing for non-highway programs comes from the General Fund, the Public Transportation Assistance Fund, and the Lottery Fund.

The Pennsylvania Department of Transportation's External Equal Opportunity (EO) Plan is set forth under the guidelines established in 23 Code of Federal Regulations, Parts 200, 230, Appendix A to Subpart C of Part 230, and 633; Title VI of the Civil Rights Act of 1964, as amended; Executive Order 2006-2; and Management Directive 215.16.

The Bureau of Equal Opportunity, Contract Compliance Division is responsible for administering, monitoring, and reporting compliance related activities to the Federal Highway Administration and the PA Department of General Services. All program activities are intended to increase the representation of minorities and women within the respective workforces of contractors doing business with the Department.

The EO Plan includes the Department's "State Assurances with regards to Equal Employment Opportunity as required by the Federal-Aid Highway Act of 1968" and the "External Contract Compliance Policy Statement," as signed by the Secretary of Transportation. Also included, among other things, are program objectives, procedures for conducting compliance reviews, project review questionnaires, Contract Special Provisions, sample corrective action plans for contractors, and On-the-Job Training procedures.

The Plan was developed to satisfy the requirements of the U.S. Department of Transportation, Federal Highway Administration (FHWA) and the Pennsylvania Department of General Services. Guidance and recommendations were provided by FHWA, PA Division Office and the PA Department of General Services, Bureau of Small Business Opportunities (BSBO).

Questions regarding the Plan should be addressed to the Department's Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105, or (717) 787-5891 /-1-800-468-4201 or by FAX at (717) 772-4026.

# **State Assurances**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
HARRISBURG, PENNSYLVANIA 17101-1900

OFFICE OF  
SECRETARY OF TRANSPORTATION

### **State Assurances with Regard to Equal Employment Opportunity as Required by the Federal-Aid Highway Act of 1968**

Pursuant to the requirements of Section 22(a) of the Federal-Aid Highway Act of 1968, the State of Pennsylvania desiring to avail itself of the benefits of Chapter 1, Title 23, United States Code, and as a condition to obtaining the approval of the Secretary of Transportation of any programs for projects as provided for in Title 23, USC, Section 150(a), hereby gives its assurance that employment in connection with all proposed projects approved on or after August 23, 1968, will be provided without regard to race, color, creed, or national origin.

More specifically, and without limiting the above general assurance, the Pennsylvania Department of Transportation hereby gives the following specific assurances:

1. The Pennsylvania Department of Transportation will establish an Equal Opportunity Program in furtherance of the above General Assurance, which shall include a system to ascertain whether contractors and subcontractors are complying with their equal employment opportunity contract obligations and the degree to which such compliance is producing substantial progress on the various project sites in terms of minority group employment. The Pennsylvania Department of Transportation will furnish such information and reports regarding contractor and subcontractor compliance as may be requested by the Federal Highway Administration.
2. The Pennsylvania Department of Transportation program shall include effective procedures to assure that discrimination in employment on the grounds of race, color, creed, or national origin will not be permitted on any projects and if discrimination exists at the time this assurance is made it will be corrected promptly.
3. The Pennsylvania Department of Transportation has appointed, or will appoint, an Equal Opportunity Officer whose primary duty shall be to administer the State's Equal Employment Opportunity Program as established pursuant to these assurances.
4. The Pennsylvania Department of Transportation will, on its own initiative, take affirmative action, including the imposition of contract sanctions and the initiation of appropriate legal proceedings under any applicable State or Federal law to achieve equal employment opportunity on Federal-aid highway projects and will actively cooperate with the Federal Highway Administration in all investigations and enforcement actions undertaken by the Federal Highway Administration.
5. The Pennsylvania Department of Transportation will establish and maintain effective liaisons with public and private agencies and organizations, which are, or should be, involved in equal opportunity programs. Such agencies and organizations include, but are not limited to labor unions, contractor associations, minority group organizations, the U.S. and State Employment Services, the U.S. and State Department of Labor.

6. The Pennsylvania Department of Transportation hereby agrees that it will seek the cooperation of unions, contractors, appropriate State agencies and other-related organizations in the establishment of skilled training programs and will assure that all persons will have an opportunity to participate in such programs without regard to race, creed, color, or national origin.
7. The Pennsylvania Department of Transportation hereby agrees that its own employment policies and practices, with regard to Pennsylvania Department of Transportation employees, any part of which compensation is reimbursed from Federal funds, will be without regard to race, color, creed, or national origin.
8. The Pennsylvania Department of Transportation shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder, as those responsibilities are currently defined and required by the Federal Highway Administration. No requirement or obligation shall be imposed as a condition precedent to the award of a contract for a project unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications. Procedures for the pre-qualification of Federal-aid contractors and subcontractors as to determine their capability to comply with their equal employment opportunity contract obligations will be issued as a supplement to this interim assurance.
9. The Pennsylvania Department of Transportation will obtain and furnish to the Federal Highway Administration such information and reports as may be requested to enable the Federal Highway Administration to determine compliance by the Pennsylvania Department of Transportation with this assurance.



Leslie S. Richards  
Secretary of Transportation

8-31-15

Date

# **Policy Statement**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
HARRISBURG, PENNSYLVANIA 17101-1900

OFFICE OF  
SECRETARY OF TRANSPORTATION

### **External Contract Compliance Policy Statement**

It is the policy of the Pennsylvania Department of Transportation (Department) to ensure that all contractors and their subcontractors conducting business with the Department do not discriminate against applicants and employees on the basis of race, color, religious creed, ancestry, national origin, age, sex, sexual orientation or persons with disabilities. Such affirmative action shall include, but is not limited to: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training.

The policy is directed towards ensuring that equal opportunity and appropriate affirmative action practices are maintained by employers doing business with the Department.

Through its External Equal Employment Opportunity Plan, the Department will ensure the following:

- Ensure that Minority and Women Business Enterprises are afforded full opportunities to participate in contracts, agreements, grants, etc., awarded by the Department through positive affirmative action;
- Ensure that contractors, consultants, vendors and suppliers of goods and services to the Department comply with the equal employment opportunity laws and guidelines;
- Ensure that all Departmental managers actively participate in accomplishing objectives outlined in the policy statement and that management performance reflects support of this policy;
- Ensure that all Departmental managers actively participate in accomplishing objectives outlined in the External Equal Employment Opportunity Plan and that management performance relating to the success of the plan will be evaluated and measured in the same way as other agency objectives;

Overall responsibility for this policy has been assigned to the Deputy Secretary for Administration located on the Eighth Floor, Commonwealth Keystone Building, Harrisburg, PA, Telephone (717) 787-5628.

The Director of the Bureau of Equal Opportunity is appointed as Contract Compliance Officer for the Department and is responsible for implementation of this agency's Contract Compliance Program.



# **Dissemination of Plan and Policy Statement**

## **DISSEMINATION OF EXTERNAL EQUAL EMPLOYMENT OPPORTUNITY PLAN AND POLICY STATEMENT**

### **Internal Methods of Dissemination**

Dissemination of the Department's External Equal Opportunity Plan is accomplished by providing copies internally to the Department Secretary, Deputy Secretaries, Bureau Directors, District Executives, and District Labor Contract Compliance Agents.

### **External Methods of Dissemination and Customer Awareness**

The public must also be informed of the Department's policies as it relates to equal employment opportunity. Accordingly, the Department of Transportation takes the following actions:

- Make available, upon request, copies of the Department's Equal Opportunity Plan and/or policy statement to contractors, subcontractors, consultants, vendors, and suppliers (Contractors).
- An electronic copy of the plan will be placed on the Bureau's website in PDF format so it is accessible by all interested parties.
- Inform contractors of the need to develop a policy for placement of minorities, women, and disadvantaged persons.
- Include Form FHWA-1273, "Required Contract Provisions, Federal-Aid Construction Contracts," and the "Commonwealth's Nondiscrimination Clause" in all applicable documents between the Department of Transportation and its Contractors.
- Maintain regular and routine contact with liaisons and recruitment sources to update any changes in the Department's policy and/or procedures.
- Ensure that Contractors are aware of the requirement to advertise as an Equal Employment Opportunity employer; encouraging minorities, women, and disadvantaged persons to apply for vacancies and training opportunities.
- Contractors will be made aware of the need to maintain accurate records of mailings, visits and/or contacts with recruitment resources.
- Contractors will be kept apprised of changes and additions to existing policy. In turn, Contractors will be required to apprise their subcontractors of changes.

# **Organization and Structure**

## **I. Organization and structure**

### **A. State highway EEO Coordinator (External) and staff support.**

#### **1. Describe the organizational location and responsibilities of the State Highway Agency EEO Coordinator. (Provided organization charts of the State highway agency and of the EEO staff).**

Organizationally, the Department is comprised of five (5) Deputates headed by five (5) Deputy Secretaries. These offices are organized into bureaus, offices, engineering districts, and county maintenance offices.

The EEO Coordinator and BEO Director (Equal Opportunity Manager 2) is responsible for administration of PennDOT's Federal Contract Compliance, Disadvantaged Business Enterprise (DBE), Small Business Enterprise, Title VI, On-the-Job Training (OJT), Diverse Business (DB) and Section 504 Americans with Disabilities Act (ADA) programs.

The Bureau of Equal Opportunity (BEO) is functionally situated within the Administration Deputate. The Bureau is charged with the administration and oversight of the Department's external equal opportunity programs.

The Director of BEO reports directly to the Deputy Secretary for Administration. BEO has an authorized complement of Sixteen (16). The BEO Director is assisted by an Administrative Assistant (AA) and two (2) Division Chiefs (Equal Opportunity Specialist 3), a Contract Compliance Division Chief and a DBE/Title VI Division Chief.

The Contract Compliance Division is responsible for monitoring highway construction and non-construction firms to ensure adherence to EO/EEO contractual obligations. The Contract Compliance Division also administers the Department's On-the-Job Training (OJT) Program and Supportive Services Program. The Division's staff is comprised of a Contract Compliance Division Chief (EOS 3), an OJT Program Administrator (EOS 2, currently vacant), two (2) Contract Compliance Specialists (EOS 2), two (2) EO/EEO Field Agents (EOS 2) and a Clerk Typist 3. The Contract Compliance Division Chief reports directly to the BEO Director.

The Disadvantaged Business Enterprise/Title VI Division within the BEO is responsible for the administration of the Department's DBE and Title VI programs, as well as the oversight of the Department's DBE and SBE Supportive Services activities. The Division also assists in administering the Department's ADA, Section 504 Program. The Division's staff is comprised of a DBE/Title VI Division Chief, two DBE/SBE Certification Specialists (one EOS 2, position is currently vacant, and one EOS 1), a Title VI Specialist (EOS 2), a DBE/SBE/DB Program Administrator (EOS 2), a DBE Field Agent (EOS 2), and a Certification Assistant (EOA). The DBE/Title VI Division Chief reports directly to the BEO Director.

## **EEO Coordinator and BEO Director (EO Mgr. 2) – full-time**

The Director duties include but is not limited to the following:

- Monitors agency activity to ensure compliance with applicable State Laws, Executive Orders, Federal Regulations, and Management Directives.
- Assists in directing the investigation of Section 504 (ADA) complaints filed against funding recipients and subrecipients.
- Oversees the development and implementation of policies, procedures, and objectives to ensure non-discrimination in PennDOT programs, services, and activities subsidized with state and/or federal funding.
- Directs the development and presentation of equal opportunity curriculum to be delivered to internal and external customers, contractors/vendors, planning partners (MPOs/RPOs), transit and aviation grantees, and funding recipients/subrecipients to ensure the equitable delivery of their respective programs, services, and activities.
- Provides guidance and technical support to the above entities to ensure compliance with applicable mandates. Provides support to the Chair in the effective administration of the PA Unified Certification Program (one-stop shopping for DBE certification in the state of Pennsylvania). Approves/disapproves applications for DBE certifications submitted to the Department (a certifying member of the PA Unified Certification Program). Approves/disapproves applications for SBE Certifications submitted to the Department.
- Provides oversight in the administration of the Department's state and federal OJT programs geared to provide training opportunities for minorities, females, and disadvantaged persons to improve their potential for highway construction employment.
- Directs the development of the Department's DBE and OJT Supportive Services work-plans, and provides the necessary support to ensure the objectives of the programs are met.
- Approves/disapproves recommendations made by the Department's Interdisciplinary Review Team in the evaluation of construction contractors' good faith effort submissions.
- DBE, Title VI and Contract Compliance Plans.
- Provides guidance to Division Chief in the final determination of compliance/non-compliance for state "Contractor EEO Compliance Reviews" and the imposition of non-economic sanctions, as warranted.
- Provides guidance to Division Chief in the investigation of Title VI complaints, renders a determination, and makes recommendations for corrective action, as warranted to the Federal Highway Administration for concurrence.
- Provides guidance to PennDOT executives, managers, and supervisors regarding equal opportunity policies and programs administered by the Department.
- Directs the preparation, allocation, disbursement, and reconciliation of the Bureau's budget and re-budget. Develops the Bureau's Annual Business Plan. Participates in local and national Civil Rights seminars, conferences, and trade shows for the purpose of training and education, benchmarking, and examination of EO best practices.

- Serves as co-chair of the PennDOT/APC DBE/DB and ACEC Committees, and serves as the Department's representative on the American Association of State Highway Transportation Officials, Civil Rights Subcommittee.

**2. Indicate whether full or part-time; if part-time, indicate percentage of time devoted to EEO.**

The EEO Coordinator and BEO Director (EO Mgr. 2) is a full time position. Ninety Five Percent (95%) of the Compliance Director's time is devoted to EEO responsibilities.

Jocelyn Harper

EEO Coordinator and BEO Director (EO Mgr. 2)

	<b>%Time</b>	<b>Accountability/Activities</b>
1.	20%	Directs the development of the Department's state/federal equal employment, ADA Section 504, Contract Compliance, Disadvantaged Business Enterprise, Title VI, plans and Diverse Business programs.
2.	20%.	Oversees the development and implementation of nondiscriminatory policies, procedures, goals and objectives.
3.	5%	Supervises the development and presentation of equal opportunity training programs.
4.	20%	Directs and assists the Chair in the implementation of the PA Disadvantaged Business Enterprise Unified Certification Program.
5.	5%	Advises the Department's executive staff, managers, and supervisors regarding state/federal equal opportunity program requirements, interpretation of regulation and Department goals and objectives.
6.	5%	Directs the preparation, allocation, disbursement, and reconciliation of the Bureau's budget, re-budget, and development of the Bureau's business plan.
7.	5%	Approve/Disapproves recommendations made by the Department's Interdisciplinary Review Team in the evaluation of Contractor's Good Faith Effort submissions.
8.	5 %	Chair, co-chair, and/or represent the Department on several internal and external committees, including Associated Pennsylvania Contractors (APC), American Council of Engineering Companies (ACEC) and American Association of State Highway and Transportation Officials (AASHTO).
9.	15%	Prepare reports and correspondence in response to Department officials, state and federal lawmakers, constituents and external and internal stakeholders.
Total	100%	

**3. Indicate length of time in position, civil rights experience and training, and supervision.**

The Director has served the Citizens of the Commonwealth of Pennsylvania for over 34 years.

Prior to joining PennDOT as BEO Director in June of 1997, the Director worked for the Pennsylvania Department of General Services. She was Chief of Certification for the Bureau of Minority & Women Business Enterprise, and later served as Buyer for the Bureau of Procurement.

The Compliance Director (Equal Opportunity Manager 2) has overall supervision of the Bureau of Equal Opportunity (BEO).

The Compliance Director (Equal Opportunity Manager 2) has taken the following civil rights/EEO and supervisory related training:

Jocelyn Harper

EEO Coordinator and BEO Director (EO Mgr. 2)

<b>Training</b>	<b>Date/Dates</b>
FHWA Environmental Justice Guidance Document (Webinar)	2015
DBE Personal Net Worth Training	2015
PennDOT Project Collaboration Center Training	2015
FTA Civil Rights Webinar	2015
eSignature Process (Webinar)	2015
e-Builder Overview & Navigation Training (Webinar)	2015
Walsh Granite Joint Venture/PennDOT Internal DBE Training	2015
APC PennDOT Fall Seminar	11/20/2014 to 11/21/2014 11/21/2013 to 11/23/2013 11/18/2010 to 11/19/2010 11/19/2009 to 11/20/2009 11/20/2008 to 11/21/2008 11/15/2007 to 11/16/2007 11/15/2006 to 11/17/2006
Valuing Diversity	8/5/2014

Workforce & Succession Planning	2/7/2013
State Internal Equal Employment Opportunity (EEO) Program	7/30/2009
Equal Opportunity Contractor Compliance Program	7/29/2009
Right to Know Law	08/21/2012 12/09/2008
Making EEO Laws Work For You	09/16/2008
Ethics in the workplace	05/02/2008
Discrimination and Sexual Harassment Prevention	09/19/2006
AASHTO Executive Leadership	09/12/2005 to 10/07/2005

**4. Indicate whether compliance is centralized or decentralized.**

The PennDOT Contract Compliance is both centralized and decentralized. District Offices receive instructions from the Central Office. The information is disseminated to District and Project Managers, who then forward the information to the contractors and subcontractors. The District Offices also receive reports and other data from Project Managers and after the information is reviewed by the Division EEO Officer or other designated representatives, the data is transmitted to the Central Office.

**5. Identify EEO Coordinator’s staff support (full and part-time) by job title and indicate areas of their responsibilities.**

**Chief, Contract Compliance Division**

Equal Opportunity Specialist 3 (EO 3)

Full-Time

William Kerney

- 95% EO/EEO duties
- 5% Administrative duties

The Chief of the Contract Compliance Division is responsible for the day-to-day operations of the Division, as well as coordinating the activities of Division staff.

The Chief of the Contract Compliance Division supervises five (5) Equal Opportunity Specialist 2 and one (1) Clerk Typist 3.

The Chief is responsible for ensuring the Department's administration of the Equal Opportunity Contract Compliance Program as well as ensuring submittal of the Department's annual plan to FHWA for approval. As part of the review process, the Chief reviews contract compliance reports; issues show cause notices; monitors voluntary corrective action plans; and conducts contractor teleconferences. The position also involves responding to contractor inquires and developing community outreach activities. Additionally, the Chief provides EO/EEO and contract compliance training to Department and contractor personnel.

Specific responsibilities include the following:

- Formulating and presenting annually, the State and Federal Contract Compliance Plans.
- Overseeing the analysis of Federal compliance and follow up reviews, State desk audit reviews, and project inspections of contractors, consultants, and suppliers doing business with the Department.
- Reviewing all determinations of compliance status in accordance with State and Federal EEO/CC rules, laws, regulations and procedures.
- Conducting reviews of contractors.
- Conducting conciliation and mediation conferences to correct deficiencies with contractors found to be in noncompliance with their EEO obligations.
- Directing the development of monitoring systems to assure reviews are conducted within prescribed time frames.
- Keeping abreast of all applicable EEO laws, Executive Orders, Federal regulations, Management Directives, etc., which impact upon programs administered by the Department.
- Providing training and technical support to all Department personnel and contractors, to ensure EEO compliance.
- Preparing the Contract Compliance Accomplishment Report for the Deputy Secretary for Administration, FHWA, and the PA Department of General Services.
- Participating in EO/Civil Rights seminars, conferences, and trade shows for the purpose of training and education, benchmarking, examination of EEO best practices, and identification of highway construction recruitment sources.
- Assisting Department personnel and APC with workforce initiatives to attract individuals to the highway construction industry.

**Chief, DBE/Title VI Division**

Equal Opportunity Specialist 3 (EO3)

Full-Time

Dustin Hobaugh

- 85% DBE duties
- 5% DB duties
- 5% Title VI duties
- 5% Administrative duties

The Chief of the DBE/Title VI Division administers and monitors the Department's Disadvantaged Business Enterprise (DBE), Title VI, DBE Supportive Services, and STD-168 programs.

Specific responsibilities include the following:

- DBE Commercially Useful Function (CUF)
  - EO-354 – CUF Form
  - Regular Dealer vs. Broker
  - Independence and Performance with own employees and equipment
- DBE Commitment
  - Reviews commitments to determine if goal has been met
  - Good faith effort at time of award
- DBE Substitution
- DBE Performance Issues
- DBE Payment Issues
- DBE and Prime Disputes – Mediation
- Differing DBE Procedures for FAA, FHWA, and FTA
- DBE Fraud Investigation
- DBE Goal Setting
- DBE Good Faith Efforts – Post Award
  - Interdisciplinary Review Team
  - Good Faith Effort Committee
- DBE Methodology and Goal – FAA, FHWA, and FTA
  - Development and Approval
  - In-line adjustment
  - Public Consultation Requirements
- DBE Monitoring – Monthly and Uniform Report
  - FHWA
    - Four Market Areas

- District Reporting
      - FAA
      - FTA
- DBE Program Document and Policy Statements
- DBE Rules, Regulations, and Guidance
  - Interpretation and Analysis
  - Reviews and Comments of Proposed Changes
  - Determines Impacts to Existing Programs and Services
  - Resolves Conflicts between Conflicting Rules, Regulations, and Guidance
  - Develops/Revises Policies and Procedures to Fully Implement
- DBE Supportive Services
  - Funding
  - Tasks and Deliverables
  - Needs assessment
  - Outreach
  - Trainings and Workshops
  - Coordination
  - Monitoring and Reporting
- DBE Firms
  - Answers questions about program, performance, and interpret rules and regulations
  - Provides guidance on appropriate procedures and identify points of contact
  - Raises issues to higher level when needed to ensure prompt resolution
  - Speaks to additional requirements for DBEs based upon a particular state or federal agency.
  - Best practices, common pitfalls, etc.
- Department of Conservation and Natural Resources (DCNR)
  - DBE Goal Setting
  - DBE Monitoring Procedures
  - Reporting to FHWA
  - Title VI and Environmental Justice – Monitoring Requirements
- Pennsylvania Unified Certification Program
  - DBE Certification
  - Policies and Procedures
  - Fiscal Agent Responsibilities
  - Appeals
  - Onsite Requests from Out of State
  - Subrecipient Assessment
  - Training

- Outreach
- Small Business Element
  - Policies and Procedures
  - Implementation
  - Certification
  - Outreach
  - Supportive Services
- ADA Complaints
  - Investigation and Information Gathering
  - Analysis and Recommendation
  - Monitoring and Reporting Requirements
- Title VI Complaints
  - Investigation and Information Gathering
  - Analysis and Recommendation
  - Monitoring and Reporting Requirements
- Subrecipients
  - Compliance
  - Training and Education
  - FHWA/FTA Joint Certification Reviews
  - DBE Goal Setting
  - Policy and Procedure Development
  - Environmental Justice/Title VI/Limited English Proficiency
- Title VI Program Document and Policy Statements
  - Annual Update to FHWA, Triennial Update to FAA and FTA
- Title VI Reviews of Central Office and District
  - Analyzes Organizational Units Policies and Procedures
  - Determines whether potential Title VI implications exist
  - Identifies strategies to mitigate or eliminate risks
  - Revises Policies and Procedures
  - Monitors for full implementation and determines whether further action is necessary.
- Environmental Justice
  - Ensures consistent application of four factor analysis (by PennDOT engineering Districts, Central Office, and subrecipients)
    - Number or proportion of LEP persons in the eligible service population
    - Frequency with which LEP individuals come in contact with the program
    - Importance of the service provided by the program
    - Resources available to the recipient

- Benefits/burdens analysis
- Potential impacts across organization from planning, permitting, design, construction, and others.
- FHWA PA Division Office
  - Daily Requests for Information
  - Problem Solving/Issue Resolution
  - Risk Mitigation
  - Coordination
  - Policy and Procedure Development
- FAA, FHWA, and FTA - Audit Preparation
- Development, Review, and Update of Contract Language, Special Provisions, etc.
- Review and Update of Highway, Transit, and Aviation Policies and Procedures Document
- Summer Transportation Institute
  - Funding
  - Monitoring and Reporting
- Training Everyone and Anyone – Internal (Central Office, Districts, other State Agencies) and External (Contractors, Consultants, Municipalities, Transit Providers, Airports, Planning Organizations, DBEs, Small Businesses, and the General Public)

### DBE Program

Oversees the Department's efforts to ensure nondiscrimination in the award and administration of US DOT ("DOT")-assisted contracts through the provision of opportunities for DBE firms.

- Administers the Department's DBE program in conformance with 49 CFR Parts 23 and 26.
- Oversee the Department's DBE certification process. Provide guidance to Department market areas on removing barriers to the participation of DBE firms on DOT-assisted contracts.
- Provides data about the DBE program to DOT operating administrations, the public, and other stakeholders as necessary.
- Updates and circulates the Department's signed policy statement throughout PennDOT, the DBE and non-DBE business communities that perform work on DOT-assisted contracts.
- Maintains and revises the Department's DBE Program document as necessary.
- Oversees the development and implementation of mechanisms to ensure compliance with the 49 CFR Parts 23 and 26 by all program participants.
- Coordinates the development and implementation of the Department's DBE Methodology and overall goal for DBE participation on FHWA, FTA, and FAA contracting and grant opportunities.
- Ensures that DBE participation is properly calculated on contracts that contain DBE

goals.

- Ensures that DBEs participating on federally funded projects are performing a Commercially Useful Function (CUF). Provides CUF training to District and Project personnel.
- Oversees the coordination of the certification appeal meetings.
- Coordinates activities related to DBE ineligibility complaints initiated by the public, other DOT recipients, or DOT.
- Responds to DOT, recipients, and other stakeholder requests for information relative to the Department's administration of the DBE program.

## Title VI

Oversees the Department's efforts to ensure nondiscrimination under any program, service, or activity receiving Federal financial assistance.

- Administers the Department's Title VI program in conformance with 49 CFR Parts 21, 23 CFR 200, and related circulars, directives, etc.
- Provides guidance to Department and subrecipients relative to compliance with Title VI and related statutes.
- Oversees the investigation of complaints alleging violations of Title VI, Title II of the ADA, Section 504 of the Rehabilitation Act, and other related statutes.
- Provides guidance and support in the development of procedures for the collection of statistical data of participants in, and beneficiaries of the Department's federal-aid programs.
- Oversees the implementation of the Title VI review process. Administer the Department's Title VI program for FHWA, FAA, and FTA.
- Updates and submits annually to FHWA the Title VI Objectives and Accomplishments Report. Tri-annually updates the FTA Title VI Program.
- Oversees the development and presentation of training relative to Title VI and related statutes to Department personnel and subrecipients.
- Supervises the establishment and implementation of procedures to identify and eliminate discrimination, as well as addressing deficiencies when found to exist.

## DBE Supportive Services

- Oversees the development and administration of supportive services assistance programs for minority, disadvantaged, and women business enterprises.
- Ensures the continuous monitoring and evaluation of supportive services programs so that needed improvements can be identified and instituted.
- Oversees the administration and management of the supportive services contract.
- Ensures that payments to supportive services contractor are supported by actual activities designed to meet the goals of the supportive services program.

STD-168

- Oversees the administration of the Department's 100% state funded non-highway minority and women business program.
- Issues determinations of contractor responsiveness in regard to nondiscrimination with respect to the contractor's proposed use of MBEs and WBEs in the performance of the contract.
- Oversees the evaluation of explanations regarding inability/failure to meet the Minimum Participation Levels for MBE and/or WBEs.
- Provides monthly reports to DGS regarding MBE/WBE participation.

Administrative and Other

Supervises and coordinates the activities of professional specialists administering equal opportunity programs in the Department.

- Reviews position descriptions annually and update as necessary.
- Ensures that employee absences are managed within employee's leave balance quotas/entitlements and Commonwealth absence provisions while maintaining operational efficiency.
- Provides sufficient support to subordinates to ensure that they are capable of effectively performing all required tasks through training and other developmental opportunities.
- Evaluates travel reimbursement requests for approval.

**Equal Opportunity Specialist (EOS 2) – five (5) total positions, full-time**

The Equal Opportunity Specialists (EOS 2) report to the Contract Compliance Division Chief. The EOS 2 positions are located in central office and in the field. The titles for the five (5) positions are as follows:

**EO/EEO Compliance Specialist - two (2) positions**

Blaine Claiborne

Equal Opportunity Specialist 2  
100 % EO/EEO duties

Desmonde Hoppie

Equal Opportunity Specialist 2  
100 % EO/EEO duties

The Compliance Specialists are responsible for monitoring the equal opportunity/equal employment opportunity (EO/EEO) activities of contractors (including workforce diversity and employment practices); selecting and conducting project compliance reviews (on-site

reviews); analyzing findings relative to the reviews, and preparing reports regarding contractor EO/EEO compliance/noncompliance for submission to the Division Chief and FHWA. The EOS 2s respond to contractor inquiries and provide equal EO/EEO and contract compliance training to Department and contractor personnel. The EOS 2s work with minimal oversight, but keep the Chief informed regarding activities, issues and concerns through daily and weekly updates.

Specific responsibilities include the following:

Area of assignment: Commonwealth Wide (All Districts)

- Conducts compliance reviews of contractors, consultants, suppliers, and grantees (Contractors) doing business with the Department and submits final report within 65 calendar days of assignment.
- Assists in conducting conciliation and mediation conferences to correct deficiencies with contractors found to be in noncompliance.
- Conducts follow-up reviews to ensure compliance with conciliation agreements/corrective action plans.
- Conducts project inspections.
- Reviews contractors' efforts in the recruitment of minorities and women for apprenticeship programs in an effort to obtain adequate representation of minorities and women in all construction trades.
- Assists in providing training and technical support to department/industry personnel, as necessary, to ensure EO/EEO compliance.
- Assists in the preparation of reports to FHWA, the Deputy Secretary for Administration, and the Department of General Services.
- Participates in EEO conferences and workshops for the purpose of training, education, benchmarking, examination of EO/EEO best practices, and identification of highway construction recruitment sources.
- Assists District Labor Contract Compliance Agents (DLCCA) in monitoring EO/EEO activities of contractors in their respective Districts.
- Keeps abreast of all applicable EO/EEO laws, Executive Orders, Federal Regulations, Management Directives, etc., which impact programs administered by the Department.
- Establishes and maintains close working relationships with Department entities and other agencies including, but not limited to the following:
  - PennDOT's Bureau of Project Delivery
  - Office of Chief Counsel
  - Department of General Services
  - Bureau of Minority & Women Business Opportunities
  - Small Business Administration
  - Minority, women, and prime contractor associations
  - Minority economic development agencies
  - Community-based organizations

EO-1391 Annual Workforce Data (23USC140 and 23CFR230)

- Drafts and disseminates EO-1391 Contractor Notification Letter.
- Receives EO-1391 documentation from contractors.
- Reviews files for defects and/or modifications.
- Contacts contractors for clarification of documentation.
- Compiles workforce data report utilizing EO-1391 documentation.
- Develops PR-1392 Annual Report.
- Conducts under-representation analysis
- Drafts transmittal letter to FHWA.
- Prepares report of findings.

Reports and Training

- Prepares reports and makes recommendations of compliance/noncompliance for review by supervisor.
- Provides education, training, and technical assistance to PennDOT Central Office, District personnel, contractors, consultants, suppliers, and grantees regarding monitoring procedures in order to ensure compliance with EO/EEO state and federal requirements.
- Provides guidance and assistance to individuals filing EEO complaints, and to contractors in the development of EO/EEO directives.
- Makes recommendations of compliance/noncompliance of contractor reviews.

**EO/EEO Contract Compliance Field Agent, two (2) positions**

Latunde Kolawole

Equal Opportunity Specialist 2

95 % EO/EEO duties

5% DBE duties

Alva Lichius

Equal Opportunity Specialist 2

95 % EO/EEO duties

5% DBE duties

The EO/EEO Field Agents are primarily responsible for conducting project activity reviews to ensure EO/EEO compliance with state and federal regulations. Activities include monitoring the diversity of contractors' workforce and the contractor's OJT program. Additionally, EO/EEO Field Agents provide guidance and training with regards to equal opportunity programs and processes to district personnel, contractors, consultants, municipalities, and other planning partners.

The EO/EEO Field Agent position serves as a Regional Equal Opportunity/Equal Employment Opportunity (EO/EEO) Field Agent for the Department of Transportation. One position is headquartered in Engineering District 6-0 and the second position is headquartered in Engineering District 11-0.

Specific responsibilities include the following:

- Conducts project activity reviews, i.e. monitoring workforce diversity, OJT program monitoring, etc., to ensure EO/EEO compliance in accordance with state and federal regulations.
- Provides District personnel, contractors, consultants, municipalities, and other planning partner's guidance and training with regards to Equal Opportunity programs and processes.
- Identifies best practices and available tools to assist District personnel, contractors, consultants, and municipalities, in complying with EO/EEO requirements.
- Attends pre-construction and progress meetings (projects identified based on established criteria) to communicate Contract Compliance, Disadvantaged Business Enterprise, On-the-Job Training, ADA, and Title VI (EO/EEO) requirements and identify appropriate points of contact.
- Reviews PennDOT and contractor project files to ensure EO/EEO requirements are being met and are actively monitored.
- Attends Community Based Organization meetings (along with BEO personnel) to network and communicate contracting and subcontracting opportunities that may exist within the region.
- Maintains and submits accurate field journal, electronically and hard copy, on a bi-weekly basis. The journal includes, but is not limited to, information regarding the review and analysis of reports and project site reviews and inspections.

#### Contract Compliance

- Conducts spot checks of certified payrolls and other workforce reports to verify receipt and to ensure diversity of contractor workforce and payment of proper wage rates.
- Reviews project bulletin boards for compliance.
- Reviews contractor selection procedures for emergency projects to determine uniformity in their application to minority contractors and non-minority contractors.
- Refers deficient contractors and consultants to the Equal Opportunity Specialists for in depth compliance reviews.

### Disadvantaged Business Enterprise (DBE)

- Identifies potential DBE shortfalls and brings to the attention of the DBE Field Agent and IIC.
- Identifies potential Commercially Useful Function (CUF) issues and brings to the attention of the DBE Field Agent and IIC.
- Assists the DBE Field Agent in collecting documentation and data needed to resolve potential issues related to DBE goal attainment or CUF issues.

### Minority Business Enterprise/Woman Business Enterprises (MBE/WBE)

- Identifies potential MBE/WBE shortfalls and brings to the attention of the DBE Field Agent and IIC.

### On-the-Job Training (OJT)

- Reviews OJT project files (PennDOT and contractor) to ensure forms and reports (EO-363, EO-364, and EO-365) are accurate, complete, and submitted timely.
- Coordinates trainee activities, including but not limited to orientation, counseling, and performance evaluations, with OJT SS Field Counselors, Department (District and project) and contractor personnel.

### ADA/Section 504

- Identifies potential Americans with Disabilities Act (ADA) issues and brings to the attention of the District and the Title VI Specialist.
- Assists Bureau of Equal Opportunity (BEO), Bureau of Project Delivery (BOPD), and District ADA Coordinators in the investigation of Title II and ADA/Section 504 Complaints filed against the Department and/or its subrecipients.

### Title VI

- Identifies potential Title VI issues and brings to the attention of the District and the Title VI Specialist.
- Assists the Title VI Specialist in collecting Title VI/Environmental Justice information Districts use to monitor compliance.
- Assists BEO, BOPD, and District Title Coordinators in the investigation of Title VI Complaints filed against the Department and/or its subrecipients.
- Accompanies program area officials/personnel on selected right-of-way activities to ensure the equitable treatment of both minorities and non-minorities.
- Assists local and state officials and Department personnel in their efforts to promote inclusive public participation and ensure information is made available to individuals with Limited English Proficiency.
- Provides education, training, and technical assistance to contractors, consultants, suppliers, and grantees to ensure compliance with EO/EEO state and federal

requirements.

- Provides technical assistance to PennDOT Central Office and District personnel regarding monitoring procedures for EO/EEO compliance.
- Provides guidance and assistance to individuals filing EEO complaints, and to contractors in the development of EO/EEO directives.
- Makes recommendations of compliance/noncompliance of contractor reviews conducted for supervisor's concurrence.
- Serves as a Regional Equal Opportunity/Equal Employment Opportunity (EO/EEO) Field Agent for the Department of Transportation. This position is headquartered in Engineering District 6-0. (Latunde Kolawole)
- Serves as a Regional Equal Opportunity/Equal Employment Opportunity (EO/EEO) Field Agent for the Department of Transportation. This position is headquartered in Engineering District 11-0. (Alva Lichius)

### **OJT/Supportive Services Program Administrator, one (1) position**

#### Vacant

Equal Opportunity Specialist 2

100 % EO/EEO duties

The OJT Program Administrator is responsible for administering the Department's training special provisions on Federal and State funded construction contracts. The OJT Program Administrator also administers the OJT Supportive Services Program.

Performs independent professional work in the administration and monitoring of all aspects of the Department's external On-the-Job Training (OJT) Program, including the OJT Supportive Services (OJT SS) program. In this capacity, the incumbent plans, guides, and coordinates the program's implementation to enhance highway construction contractors' ability to train and develop a knowledgeable and skilled workforce.

Specific responsibilities include the following:

#### OJT Program

- Develops and maintains the Department's OJT Program Guidelines and submits to FHWA PA Division Administrator for approval or concurrence with changes as necessary.
- Analyzes relevant workforce data and recommends a minimum trainee slot goal to the Department for highway construction contracts.
- Monitors Department's process for selecting projects and determining the number of trainees to be provided thereon for compliance with guidelines established by Federal regulations and makes recommendations for corrective action as necessary.

- Reviews new training programs for conformity with standards established pursuant to 23 CFR 230 Appendix B and submits recommendation for approval to FHWA PA Division Administrator.
- Develops OJT goal shortfall explanation and action plan to achieve future OJT goals for submission to FHWA PA Division Administrator, as necessary.
- Reviews work classifications of trainees to determine whether there is a proper and reasonable distribution among appropriate craft.
- Reviews and approves OJT trainee programs submitted by contractors.
- Monitors OJT Program status reports for conformance with submitted training plans and to determine the number of minority and women trainees that have completed training.
- Provides required information for inclusion in the Department's annual State Highway Agency Equal Employment Opportunity Programs report for submission to FHWA PA Division.
- Consults with and provides trainee related information to BEO Contractor Compliance personnel to assist them in their preliminary analysis of contractor's adherence to FHWA 1273.
- Assists BEO Contractor Compliance personnel, post compliance review, by evaluating evidence of a contractor's systematic and direct recruitment efforts for compliance with the contract's Training Special Provision (TSP).
- Provides BEO Contractor Compliance Division Chief with annual report of contractors that did not satisfy trainee obligations and did not demonstrate adequate good faith efforts.
- Develops quarterly training status reports for submission to FHWA PA Division and appropriate PennDOT officials.
- Reviews and determines whether contractors with OJT contractual obligations have made adequate good faith efforts to provide training that will result in employees obtaining full journey level status.
- Consults with Department's labor compliance personnel regarding trainee pay issues.
- Develops outreach materials regarding the OJT program for trainees, potential trainees and other interested stakeholders.
- Conducts project site visits to verify that the training being provided is consistent with the training plan, is meaningful and furthers program objectives.
- Serves as liaison with federal partners, government officials, contractors, the public and other interested stakeholders concerning the administration of the Department's OJT program.
- Recommends to the Director remedial action when it is determined that a trainee has not received substantive training.
- Reviews contractor's OJT trainee selections to ensure nondiscrimination in the selection process.

## OJT Supportive Services (OJT SS)

- Serves as the contact person responsible for managing and monitoring the OJT SS contract.
- Assists the Bureau of Office Services in the development of specifications and work statements for procurement of OJT SS as necessary.
- Develops and submits statement of work to FHWA in response to solicitation for funding request.
- Evaluates monthly and/or quarterly reports to ensure that progress is being made toward increasing the effectiveness of approved OJT training programs and that problems associated with trainees are identified for resolution.
- Reviews Supportive Service Contractor files to ensure that required records are being kept, and that follow-up reviews are being conducted regarding the employment status of graduates.
- Scrutinizes invoices submitted by the OJT SS Consultant for discrepancies before payments are disbursed.
- Verifies that the charges identified by the invoices received are listed accurately and that the invoices include the appropriate receipt documentation to justify payment.
- Provides supervisor with monthly reports of OJT SS Contractors activities with recommended courses of action for improvement to deliverables.
- Provides necessary support and guidance to OJT SS Contractor to ensure objectives of program are achieved.
- Evaluates monthly and quarterly reports submitted by Statement of Work (SOW)
- Is the designated OJT/SS SOW Project Manager.
- Evaluates work statements submitted by PennDOT to FHWA to ensure knowledge of tasks to be accomplished are achieved.
- Contractors to ensure that services are directly related to scheduled tasks.
- Provides necessary support and guidance to SOW Contractors to ensure objectives of program are achieved.
- Collaborates with SOW Contractors to establish specific performance goals that help to ensure accountability and assess effectiveness of activities.
- Scrutinizes invoices submitted by the SOW Contractors for discrepancies before payments are disbursed.
- Reviews SOW Contractor monthly reports and makes recommendations regarding appropriate courses of action needed to improve deliverables.
- Provides necessary training and guidance to Department personnel regarding program implementation.
- The following duties are applicable only for those OJT SS activities for which federal aid funds have been allocated:
  - Submitting SOW to FHWA PA Division for concurrence and approval.
  - Ensuring that contract for supportive services includes the required provisions pursuant to 23 CFR 230.113(f)
  - Ensuring the types of supportive services provided increase the effectiveness of approved training programs.

- Ensuring that preferences for the provision of services provided pursuant to the contract complies with 23 CFR 230.113.
- Ensuring that costs are eligible for reimbursement under the Federal award.
- Establishing procedures for the provision of supportive service in support of training programs.
- Submitting quarterly and annual performance reports to the FHWA PA Division Office. The reports provide information regarding the implementation of performance goal(s) and objective(s) of the OJT/SS program.
- Ensuring that funds that have not been obligated within the performance period are returned to FHWA.

### Analysis of OJT Reports

- Conducts analysis of OJT Reports to ascertain contractors' compliance with contract goals and contract special provisions.
- Analyzes OJT goal set for Department against previous year and drafts year-end report for annual distribution to the OJT Goal Setting Team.
- Drafts correspondence related to OJT goal established by the OJT Goal Setting Team for review by supervisor.
- Reviews Bid Proposal in Engineering and Construction Management System (ECMS) to verify that appropriate numbers of trainees are included on projects pursuant to established methodology and communicates discrepancies to supervisor and the Bureau of Project Delivery, Design Services.
- Reviews On-the-Job Training OJT Program submissions submitted by prime/subcontractors through the Department's District Labor Compliance Agents (DLCCA) in order to concur, deny or make recommendations.
- Conducts monthly review of training reports provided by the District and communicates details to OJT SS Contractor for follow-up.
- Reviews OJT SS Report and discusses issues with Supportive Services Contractor and supervisor.
- Reviews and evaluates District OJT Program Status Reports and provides guidance to District Labor Contract Compliance Agents (DLCCA) in an effort to ensure program compliance.
- Maintains list of projects for which the Trainee goal is "off-track" and determines whether project should be elevated.
- Generates Quarterly District OJT Goal Status Report from all districts for review by supervisor.
- Upon project completion, evaluates whether trainee goals were met and drafts letter to District Executive and report of findings for submission to supervisor.
- Evaluates "Exit Interview" information from OJT SS Contractor and includes relevant information in OJT Quarterly Report.
- Reviews OJT Program reports, submitted by OJT SS Contractor to include relevant information in the OJT program monthly, quarterly and year end reports.
- Maintains records necessary to ascertain underutilization of minority and women

trainees in the construction industry.

- Conducts reviews of District trainee files to ensure effective monitoring of OJT Program and provides findings report to Contract Compliance Division Chief.
- Coordinates meeting for the OJT Goal Setting Team.
- Establishes and maintains monitoring mechanisms to monitor the activities of the OJT SS contractor.
- Conducts preliminary investigation of complaints related to trainees and reports summary of preliminary findings to supervisor.
- Provides support and guidance to PennDOT personnel to ensure that program objectives are being achieved.
- Evaluates and recommends necessary changes to POM, District Labor and Contract Compliance Manual and Trainee Provisions as necessary.

### **Clerk Typist 3, full-time**

Timothy J. Durden

Clerk Typist 3

100 % of time (daily) in performing clerical duties, including but not limited to:

- Mail (pick up, opening and distributing)
- General correspondence
- Reports
  - Motor Vehicle
  - Time and Attendance
  - OJT Training (EO 365)
- Data entry
- Receptionist and secretarial duties
- Administrative and clerical support to the entire Bureau of Equal Opportunity (BEO)

4% Back-up for the Administrative Officer in the Secretary of Transportation's office

15% Draft vendor letters

18% Use ADTRAV travel program to make travel arrangements for staff

13% Process and distribute mail

10% Answer telephone

25% Assist the OJT Administrator with maintenance of the OJT Data Base

15% Manage the WEX vehicle gas usage program

The Clerk Typist 3 reports directly to the Contract Compliance Division Chief and is responsible for typing a variety of letters, reports, contracts, transmittals, invoices, and agenda for Division staff.

The Clerk Typist 3 is responsible for the following:

- Formatting and verifying the accuracy of typed material.
- Making copies, filing and processing mail.
- Maintaining reports related to the compliance review process to assure adherence to established deadlines/timeframes.
- Reviewing and tracking approval of the Part III Prequalification Affirmative Action Statement.

Specific responsibilities include the following:

#### General Administrative Duties

- Types letters, reports, transmittals, itinerary, meeting notes and agendas on a computer from handwritten draft or original source documents into draft or final form.
- Reads incoming correspondence from a host of internal and external sources and determines necessary steps to follow in providing information in accordance with applicable Management Directives, Executive Orders, and/or State and Federal regulations; and responds in writing or directs an appropriate response by an Equal Opportunity Specialist.
- Proofreads varying types of materials for Division Chief's approval to ensure that information is grammatically correct, complete, consistent, and adheres to Agency rules and regulations.
- Directs contractors/subcontractors to responsible staff personnel on completing required equal opportunity forms in order to facilitate timely submission as required by regulations and Department policy.
- Guides contractors and the public with navigation of the Department's websites and particularly, the Bureau's web page.
- Prepares and completes vehicle equipment reports, travel arrangements and travel expense vouchers for Bureau staff.
- Serves as the Assistant Records Retention Coordinator for the Bureau.
- Acts as a backup for the Director's Administrative Assistant performing all necessary clerical duties in their absence.

#### State and Federal Compliance Programs:

- Assists in compiling annual employment data (PR1391) submitted by contractors/subcontractors as required by the Federal Highway Administration (FHWA).
- Reviews Contractor's Prequalification Part 3 Packages (Affirmative Action Statements) for completion.

- Prepares quarterly and annual reports for review by Division Chief and Director prior to submitting to the Department of General Services, Bureau Small Business Opportunity.
- Maintains and monitors database tracking system of Federal construction project on-site reviews conducted by Division Equal Opportunity Specialists.
- Ensures timely submission of final Compliance Review Reports to FHWA.

On-The-Job Training Program:

Assists OJT Program Administrator in maintaining the OJT database (new hires, completions, resignations, terminations, etc.)

- Responsible for maintaining the Minority and Female Resource Directory by ensuring contact information and available services are accurate.
- Creates an OJT project file folder with all pertinent project information that has been identified as having training special provisions.
- Crosschecks incoming EO-363's (Highway Contractor's On-The-Job Training Program) against online project file folder to ensure receipt and accuracy of information.
- Reviews incoming EO-365's (Monthly Trainee Reports) to corroborate the following:
  - Verify hours worked
  - Ensure that there are no computation errors in the training hours
  - Identify trainee issues and concerns and notifies the OJT Program Administrator.
- Verifies completion of trainee program hours for accuracy and closes out the trainee file.

**6. Identify any other individuals in the central office having a responsibility for the implementation of this program and describe their respective roles and training in program area.**

**Administrative Assistant, full-time**

Tiffany Barksdale

Administrative Assistant

100 % of time is devoted to providing support to the Director and the Division Chiefs in the Bureau of Equal Opportunity (BEO)

- 25% Budget
- 15% Purchasing
- 15% IT
- 10% Administration (send and respond to emails, types correspondence, proof-read, etc.)
- 10% Training
- 10% Right-To-Know Law

- 5% Out-of-Service /Out-of-State Training Requests
- 5% COOP
- 5% Records Retention

Reports directly to the Bureau Director and is responsible for directing and managing the administrative, fiscal, procurement, and personnel functions within the Bureau of Equal Opportunity with minimal supervision.

Functions as the Office Assistant; Bureau's IT Coordinator; Records Retention Coordinator Right-to-Know Coordinator, Quality Coordinator, and Training Coordinator. In addition, serves as the Bureau's Timekeeper, Automotive Officer, Workers' Compensation Representative, and back-up Travel Arranger.

Specific responsibilities include the following:

- Developing, monitoring, and managing the Bureau's budget
- Managing the Bureau's contracting activities and payment of non-PO invoices
- Developing, implementing, and managing the Bureau's Continuity of Government Plan Processing Bureau personnel actions.
- Representing the Bureau at Budget Coordinator meetings.
- Developing the fiscal portion of the budget each year, to include initiatives, R-3 reports and base salary (all of which are included in the submission of the Bureau's Annual Business Plan).
- Providing budget instructions and guidance to the Division Chiefs and responds to technical and procedural questions on budgetary matters.
- Reviewing all Bureau requests requiring financial commitment in areas including personnel, operational and fixed assets, using where applicable, historical, current, and projected data in order to recommend approval or denial of requests.
- Set up, monitor, and maintain funds commitments and purchase orders.
- Developing and maintaining financial spreadsheets to track expenditures.
- Estimating revenues, expenditures.
- Ensuring that expenditures are covered under the correct appropriation and that all expenses are within the approved budget.
- Performing reviews of the budget and account balances during the fiscal year.
- Preparing reports and briefings for the Bureau Director, Chiefs, and Project Managers.
- Reporting on the status of expenditures to the Bureau Director and Chiefs to ensure availability of funds and compliance with the budget.
- Performing cost benefit analysis of operating proposals in order to present findings to the Bureau Director and Chiefs to establish cost containment strategies and alternative funding strategies.
- Reporting on encumbrance balances to ensure payments are made to minimize loss of funds in the current fiscal year.
- Reviewing all financial documents and invoices to ensure accuracy of information.

- Working directly with the Fiscal Office in obtaining additional funds to support Bureau programs and initiatives as necessary.
- Manages the procurement of services for the Bureau.
- Reviews Bureau contracts for need, financial soundness, and conformance to Commonwealth contracting policies.
- Reviews specifications, consults with, and advises program managers regarding specification content to ensure objectives are met.
- Works directly with vendors/consultants and the Department's Bureau of Office Services in executing contracts and ensuring appropriate payment of services.
- Assesses training needs for Bureau staff and ensures employees are trained as required.
- Reviews and evaluates training needs and makes recommendations to Bureau Director and Chiefs.
- Establishes and maintains training plans for staff and schedules required training.
- Ensures that standards, laws, and regulations are met in all Program Areas.
- Assists in streamlining processes, ensures customer involvement, facilitates meetings, develops performance measures, and conducts after action reviews.
- Reviews all Bureau Out-of-Service Training requests for completeness and obtains all required approvals.
- Oversees the registration, payment, and scheduling of training.
- Ensures employees are trained on the use of the Learning Management System (LMS).
- Updates and maintains all Bureau training records and employee data via LMS.
- Schedules Bureau staff meetings and facilitates meeting in the absence of the Director.
- Assigns, tracks, and responds to Bureau tickles from the Department's Executive Office.
- Maintains all open requests for information and follows up with Chiefs to ensure due dates are met.
- Develops and maintains Office Policies and Procedures Manual.
- Coordinates special projects for the Bureau.
- Orients new personnel on Bureau/Department administrative policies and procedures.
- Conducts research on Equal Employment/Civil Rights matters.
- Prepares Director's weekly itinerary.
- Schedules quarterly/annual Employee Performance Reviews (EPR).
- Maintains Bureau EPR Tracking Report.
- Activates/maintains On-Line Job Descriptions.
- Performs required administrative actions for filling vacant positions in accordance with Department policies.
- Conducts demographic analysis of participants attending Department Public Meetings to ensure equal representation of low-income and minority populations.
- Conducts problem analysis, identifies potential solutions, and formulates recommendations for corrective action.
- Identifies training requirements and enrolls employees in applicable courses.
- Prepare formal responses for signature of Director and Chiefs.

- Identify areas of concern within the Bureau's administrative and operational procedures and makes changes and/or recommendations.
- Directs requests for information and assigns incoming work from Federal Highway Administration to appropriate staff members with tickle date.

### **DBE/DB/Title VI Staff**

All DBE/DB/Title VI staff report to the DBE/DB/Title VI Division Chief.

#### Faith Colden

CCA | DBE Field Agent | Equal Opportunity Specialist 2

50% Disadvantaged Business Enterprise (DBE)

50% Equal Opportunity (EO)

Serves as a Disadvantaged Business Enterprise (DBE) Field Agent for the Department of Transportation.

Specific responsibilities include the following:

50% Disadvantaged Business Enterprise (DBE)

- Develops and presents training programs and workshops
- Monthly Training Tips – Developed based on feedback from project field staff
- Conducts analysis to determine compliance with state and federal equal employment opportunity, DBE and nondiscrimination requirements
- Prepares detailed reports on equal employment opportunity, contractor compliance, federal program compliance, and the factual findings resulting from discrimination complaint investigations
- Conducts audits and visits projects of Commonwealth transportation facilities to ensure compliance with EEO and Contract Compliance program goals and requirements
- Reviews DBE goal attainment, per project
- Develops audit criteria for compliance reviews
- Conducts Commercial Useful function reviews
- Checks adherence to DBE policy and procedures by contractors and PennDOT project personnel
- Works with all parties to dissolve deficiencies when risks are identified
- Serves as a member of oral interview panels for selection or promotion

50% Equal Opportunity (EO)

- Monitors civil rights assurance in all contracts let by the department

- Represents the department in meetings with professional and civic groups
- Participates in job fairs and other agency recruiting efforts
- Develops and monitors contractor adherence to corrective action plans
- Develops and maintains effective working relationships with departmental staff as well as state and federal agencies, and community leaders
- Provides technical assistance and consultation to agency staff, supervisors and managers regarding EEO programs regarding State and Federal requirements
- Monitors and evaluates project transactions to ensure compliance with EEO program plans and goals

Matthew Kelly  
 Title VI Specialist  
 100 % Title VI

Responsible for administering and monitoring the Department's Title VI Program.

Specific responsibilities include the following:

- Coordinates and collaborates with major program area officials or designees, and subrecipients.
- Provides technical assistance, guidance, and advice on the Title VI Program.
- Conducts Title VI reviews of major program areas and activities of PennDOT and its subrecipients.
- Reviews findings of program area reviews to ensure determinations of discrimination or nondiscrimination are sufficiently supported.
- Participates in the development and dissemination of Title VI information to the public (in languages other than English, where necessary).
- Develops and implements procedures for the prompt processing and tracking of Title VI discrimination complaints.
- Conducts/coordinates Title VI training.
- Establishes procedures to resolve determinations of noncompliance.
- Updates Title VI Implementation Plans (FTA/FHWA).
- Establishes procedures for processing Title VI reviews.
- Takes part in identifying Title VI impacts with major program area officials/personnel.
- Participates in identifying mitigation measures for minorities and low-income persons and determines the effectiveness of such measures.
- Attends statewide/regional planning and project meetings/hearings involving Title VI issues or where Title VI impacts have been identified.
- Accompanies program area officials/personnel on selected right-of-way activities to compare treatment received by minorities and non-minorities.
- Reviews all contracting procedures to ensure nondiscrimination.
- Reviews prequalification/bonding requirements and contractor selection procedures to determine uniformity in their application to minority and non-minority contractors.
- Assists major program area officials/personnel and subrecipients in communicating

- contracting opportunities to minority/women-owned contractors and subcontractors.
- Reviews selection procedures for principal researchers and staff to determine minority participation; assist in identifying minority institutions of higher education interested in conducting research.
- Participates in the development of procedures to collect and retain information for submission to appropriate federal operating administration.
- Assures that Department's submission of Title VI Assurances conform to the requirements of the concerned federal operating administration.
- Participates in the development of procedures and policies to ensure that subrecipients are complying with Title VI requirements.
- Maintains a list of lawsuits, complaints, and active federal investigations where PennDOT and/or its representative(s) are alleged to have discriminated on the basis of race, color, or national origin.
- Participates with Department officials/personnel in efforts to ensure that the public is provided with information regarding the Department's Title VI obligations, and assures that the public is apprised of the protections against discrimination afforded to them by Title VI.
- Participates in the review and analysis of Environmental Assessments and Environmental Impact Statements.
- Assists officials/personnel in their efforts to promote inclusive public participation.

Dwan Lee

DBE/DB/SBE Programs Administrator  
 90% DBE duties  
 10% DB duties

Serves as the Disadvantaged Business Enterprise (DBE) and Diverse Business (DB) Program Administrator. Works in conjunction with consultants to coordinate the development and implementation of the DBE methodology and goals for participation by DBEs in Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) funded projects.

Specific responsibilities include the following:

DBE Program

- Responsible for coordinating the development and implementation of the Department's DBE Methodology and Goal for FAA, FHWA, and FTA.
- Develops a response to comments by FAA, FHWA, and FTA on the proposed methodologies and goals.
- Organizes and delivers public consultation meetings as required by the DBE regulations.
- Ensures that in-line evaluations of DBE methodologies and goals are conducted. If an in-line adjustment is needed, submits request to revise DBE Methodology and Goal to

- FAA, FHWA, and/or FTA.
- Drafts policies and procedures to meet revised DBE requirements based upon new rulemaking issued by U.S. DOT for review and approval by DBE/Title VI Division Chief.
  - Drafts policies and procedures to meet differing DBE requirements of FAA, FHWA, and FTA.
  - Updates the Department's DBE Program document to reflect current processes and regulatory requirements.
  - Works closely with internal Department staff (Central Office and District) to ensure effective monitoring of the DBE program requirements and adequate data collection for reporting requirements.
  - Reviews clearance transmittals to ensure DBE requirements are adequately addressed.
  - Consults with internal and external staff to review proposed DBE rulemaking by U.S. DOT.
  - Coordinates with internal staff to develop an official Department response to proposed rulemaking.
  - Participates in FHWA/FTA joint certification reviews of Metropolitan Planning Organizations (MPOs) and Regional Planning Organizations (RPOs) to ensure DBE compliance and continued receipt of federal funds.
  - Assists Title VI specialist in conducting regular reviews of the efforts of MPOs/RPOs in order to ensure that DBE program requirements are being met. If deficiencies are identified, a corrective action plan is developed and the MPO/RPO is monitored to ensure full implementation.
  - Works closely with MPOs/RPOs to develop adequate monitoring and reporting procedures.
  - Reviews Monthly DBE Reports from each Engineering District to determine whether projects are on track to meet the established DBE goal.
  - Works closely with District and/or contractor personnel to make adjustments as needed to ensure the project goal is met.
  - Reviews Monthly Reports from market areas to determine the Department's DBE Goal Attainment to date.
  - Makes recommendations to market areas to adjust race neutral and race conscious DBE project goals based on overall Department attainment.
  - Reviews and analyzes research and service RFPs to determine whether a DBE goal should be set and if so, identify the appropriate percentage.
  - Consolidates department-wide DBE attainment (payments) for development and submission of the DBE Uniform Report to FAA, FHWA, and FTA on a biannual basis.
  - Works closely with the BEO field agents to resolve DBE issues identified on PennDOT highway construction projects including shortfalls, and performance issues.
  - Reviews CUF reports submitted by the DBE field agent and determines appropriate course of action in consultation with Division Chief. Drafts final determination correspondence for alleged CUF violations including corrective action, if applicable, for approval of Division Chief.

- Participates in DBE Mediation meetings.
- Assists Department staff in resolving DBE commitment and participation issues including substitutions and revisions.
- Interprets and analyzes potential DBE issues identified by internal and external stakeholders.
- Provides guidance and information to DBE firms with regards to the DBE program and Department policies and procedures.
- Assists DBE firms in navigating the Department's payment resolution process.
- Assists in providing DBE Training to contractors, consultants, MPOs/RPOs, Transit Providers, Airports, other state agencies, and District and Central Office PennDOT staff.

### DB Program

- Responsible for coordinating implementation of the Department's Diverse Business Program.
- Works closely with internal Department staff (Central Office and District) to ensure effective monitoring of the DB program requirements and adequate data collection for reporting requirements.
- Reviews clearance transmittals to ensure DB requirements are adequately addressed.
- Works closely with the BEO field agents to resolve DB issues identified on Department highway construction and professional service projects funded by Title 74 including substitutions, performance issues, Good Faith Efforts, etc.
- Assists Department staff in resolving DB commitment and participation issues including substitutions and revisions.
- Interprets and analyzes potential DB issues identified by internal and external stakeholders.
- Provides guidance and information to DB firms with regards to the DB program and Department policies and procedures.
- Assists DB firms in navigating the Department's payment resolution process when needed.
- Assists in providing DB Training to contractors, consultants, Transit Providers, the PA Turnpike Commission, and District and Central Office PennDOT staff.

### DBE Supportive Services

- Responsible for monitoring the Department's DBE Supportive Services (SS) contracts.
- Reviews proposed statement of work (SOW) and submits acceptable SOW to FHWA for approval.
- Monitors DBE SS consultant to ensure services and activities are consistent with SOW and the objectives of the program.
- Reviews monthly invoices and approves payment.

- Reviews and approves quarterly and annual reports for submittal to FHWA.
- Analyzes the Annual DBE SS needs assessment to determine if services offered by SS are those being requested.
- Participates as a member of the DBE SS Advisory Council.

#### SBE Supportive Services

- Responsible for monitoring the Department's SBE Supportive Services (SS) contracts.
- Reviews and approves proposed statement of work (SOW).
- Monitors SBE SS consultant to ensure services and activities are consistent with SOW and the objectives of the program.
- Reviews monthly invoices and approves payment.
- Reviews and approves quarterly and annual reports for submittal to Division Chief.

#### DB Supportive Services

- Responsible for monitoring the Department's Diverse Business Supportive Services (DB SS) contract.
- Develops proposed Statement of Work (SOW).
- Monitors DB SS consultant to ensure services and activities are consistent with (SOW) and the objectives of the program.
- Reviews monthly invoices and approves for payment.
- Reviews and approves quarterly and annual reports for submittal to Division Chief.

Trista Maurer

Certification | Equal Opportunity Specialist 2  
100 % Certification duties

Specific responsibilities include the following:

Disadvantaged Business Enterprise (DBE)

- Coordinates and provides assistance in the Department's efforts to increase the pool of certified/prequalified DBEs in diverse construction trades, including but not limited to: 1) promote marketing opportunities to the financial and economic development communities; 2) streamline the certification/annual affidavit processes; and 3) foster mutually beneficial partnerships between prime contractors and DBE subcontractors through outreach and education.
- Assists in the development of policies/procedures to implement the DBE program.
- Prepares the Department's DBE Plan for submission to FHWA.
- Assists in the coordination of DBE Program implementation efforts by various PennDOT organizations (e.g., Construction and Materials, Transit, etc.), Office of Chief Counsel, Engineering Districts, FHWA, prime contractors, and contractor associations.
- Develops and presents curriculum for trainings and workshops.
- Provides guidance and assistance to contractors and Department personnel regarding DBE contract provisions.
- Represents the Bureau at minority, women, and small business seminars, conferences trade fairs, and other meetings.
- Guides minority and women-owned business applicants with regard to the Disadvantaged Business Enterprise (DBE) certification/ annual affidavit process (49CFR26).
- Verifies DBE certification/annual affidavit applications for completeness as required by Federal Regulations (49CFR26) and requests additional information, as necessary.
- Reconciles electronic Unified Certification Program (UCP) internet database against DBE files and submissions.
- Reviews, analyzes, and determines whether financial data submitted by DBE firms seeking continued eligibility conform to the Federal size standards established by the Small Business Administration (SBE) (49CFR26).
- Analyzes applicants' Personal Net Worth statement to determine whether assets and liabilities are reported accurately and adjusts calculations in accordance with Federal Regulations (49CFR26).
- Reviews and decides which DBE firms require an on-site review in accordance with Federal Regulations (49CFR26) and make recommendations of findings to the Office of Chief Counsel.
- Recommends approval following the review and analysis of DBE recertification applications that are determined to meet certification requirements (49CFR26).
- Authorizes time extension for submission of annual affidavits.

- Updates and maintains DBE files.
- Performs certification/annual affidavit analysis.
- Provides assistance in the monitoring of subrecipient DBE certification programs.
- Coordinates the Department's efforts to conform to the Pennsylvania Unified Certification Program (PA UCP) manual.
- Coordinates meetings of the PA UCP Certification Appeals Committee.
- Responsible for presenting certification training module to PA UCP recipients.

### Small Business Enterprise (SBE)

- Guides small business applicants with regard to the Small Business Enterprise (SBE) certification/ annual affidavit process (49CFR26).
- Verifies SBE certification/annual affidavit applications for completeness as required by Federal Regulations (49CFR26) and requests additional information.
- Reviews, analyzes, and determines whether financial data submitted by SBE firms seeking continued eligibility conform to the Federal size standards established by the Small Business Administration (49CFR26).
- Analyzes applicant's Personal Net Worth statement to determine whether assets and liabilities are reported accurately and adjust calculations in accordance with Federal Regulations (49CFR26).
- Conducts and drafts report of the onsite evaluation and interview of SBE applicant firms
- Determinations whether SBE applicant firms meet program requirements and makes recommendations of certification or denial for concurrence by the DBE/Title VI Division Chief.
- Reviews existing SBE firms to determine which firms require an updated on-site review in accordance with Federal Regulations (49CFR26).
- Review and analyze SBE annual affidavits and Notice of Change affidavits to determine if certification requirements (49CFR26) are being met.
- Recommend approval for those who meet the certification requirements or removal for those that do not meet the certification requirements.
- Authorizes time extension for submission of annual affidavits.
- Updates and maintains SBE files.
- Performs certification/annual affidavit analysis.

### Keyla Evans

Certification | NSTI | Equal Opportunity Specialist 2

97 % Certification duties

3% NSTI duties

Assists in the processing of Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) certification applications. Administers the National Summer Transportation Institute (NSTI) Program.

Represents the Bureau at minority, women, and small business seminars, conference trade fairs, and other meetings as directed. Guides minority, women, and small business owners/applicants with regard to the Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) certification/annual affidavit process (49CFR26).

Specific responsibilities include the following:

Disadvantaged Business Enterprise:

- Verifies DBE certification/annual affidavit applications for completeness as required by Federal Regulations (49CFR26) and requests additional information, as necessary.
- Reconciles electronic Unified Certification Program (UCP) internet database against DBE files and submissions.
- Reviews, analyzes, and determines whether financial data submitted by DBE firms seeking initial certification or continued eligibility conforms to the Federal size standards established by the Small Business Administration (49CFR26).
- Analyzes applicants' Personal Net Worth statement to determine whether assets and liabilities are reported accurately and adjusts calculations in accordance with Federal Regulations (49CFR26).
- Reviews and decides which DBE firms require an on-site review in accordance with Federal Regulations (49CFR26) and makes recommendations of findings to the Office of Chief Counsel.
- Recommends approval following the review and analysis of DBE annual affidavits that are determined to meet certification requirements (49CFR26).
- Authorizes time extension for submission of annual affidavits.
- Updates and maintains DBE files as necessary.
- Performs certification/annual affidavit analysis with considerable independence.
- Reviews the PA Unified Certification Program (UCP) procedures manual for necessary revisions/improvements and makes recommendations to supervisor.

Small Business Enterprise Element:

Guides small business applicants regarding the Small Business Enterprise (SBE) certification/annual affidavit process (49CFR26).

- Verifies SBE certification/annual affidavit applications for completeness as required by Federal Regulations (49CFR26) and requests additional information if needed.
- Reconciles electronic internet database against SBE files and submissions.
- Reviews, analyzes, and determines whether financial data submitted by SBE firms seeking initial certification or continued eligibility conforms to the Federal size standards established by the Small Business Administration (49CFR26).
- Analyzes applicants' Personal Net Worth statement to determine whether assets and liabilities are reported accurately and adjusts calculations in accordance with Federal Regulations (49CFR26).

- Reviews and decides which SBE firms require an on-site review in accordance with Federal Regulations (49CFR26) and makes recommendations of findings.
- Recommends approval/denial following the review and analysis of SBE annual affidavits in accordance with the regulations (49CFR26).
- Authorizes time extensions for submission of annual affidavits.
- Updates and maintains SBE files.
- Performs DBE and SBE certification/annual affidavit analysis.

National Summer Transportation Institute (NSTI):

- Administers the National Summer Transportation Institute (NSTI) Program in Pennsylvania.
- Analyzes Statements of Work (SOW) submitted by potential host sites for conformity to Federal Highway Administration (FHWA) Program Requirements and Guidelines.
- Prioritizes SOWs based upon cost, learning objectives, number of participants, and program intensity.
- Develops funding requests and seeks FHWA approval for program justification.
- Assists host sites in modifying submissions to address comments received by FHWA in order to obtain program funding.
- Serves on advisory councils for each approved host site in order to develop detailed curriculum and activities for student participants in line with previously approved SOW.
- Reviews and approves requests from host sites to modify SOW or budget in consultation with the local FHWA Division Office.
- Participates in each host site's NSTI Program as a presenter, coordinator, or other role.
- Reviews invoices from host sites to ensure all charges are justified and in accordance with approved budget and SOW.
- Approves invoices for payment and ensures submission to FHWA for reimbursement.
- Reviews and approves final program reports.
- Responsible for program closeout including final vouchers to FHWA.

Matthew Auterson

Equal Opportunity Assistant  
100% DBE Certification duties

Assists in the processing of Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) certification applications/annual affidavits. Provides guidance and technical assistance to certified firms and potential applicants on program requirements.

Specific responsibilities include the following:

Disadvantaged Business Enterprise:

- Assists in the review and analysis of DBE certification/annual affidavit applications for completeness as required by Federal Regulations (49CFR26 and 49CFR23) and requests additional information, as necessary.
- Reconciles electronic Unified Certification Program (UCP) internet database against DBE files and submissions.
- Assists in determining whether financial data submitted by DBE firms seeking initial certification or continued eligibility conforms to the Federal size standards established by the Small Business Administration (49CFR26 and 49CFR23).
- Reviews annual affidavits and recommends which DBE firms require an on-site review in accordance with Federal Regulations (49CFR26 and 49CFR23) and makes recommendations of findings to the Office of Chief Counsel.
- Recommends approval following the review and analysis of DBE annual affidavits that are determined to meet certification requirements (49CFR26 and 49CFR23) or requests further analysis by Certification Specialists, Division Chief, or Office of Chief Counsel, as appropriate.
- Authorizes time extensions for submission of annual affidavits as necessary.
- Updates and maintains DBE files.
- Assists in the review of the PA Unified Certification Program (UCP) procedures manual for necessary revisions and makes recommendations to Division Chief.
- Responds to phone and email inquiries regarding program requirements, procedures, status of applications, annual affidavits, and requests for expansion.
- Guides small business applicants regarding the DBE certification/annual affidavit process (49CFR26 and 49CFR23).
- Coordinates quarterly meetings of the PA UCP Oversight Committee.
- Prepares agenda, handouts, meeting minutes, and follow up on action items for the PA UCP Oversight Committee.

Small Business Enterprise:

- Assists in the review and analysis of SBE certification/annual affidavit applications for completeness as required by Federal Regulations (49CFR26 and 49CFR23) and requests additional information, as necessary.
- Reconciles electronic internet database against SBE files and submissions.
- Assists in determining whether financial data submitted by SBE firms seeking initial certification or continued eligibility conforms to the Federal size standards established by the Small Business Administration (49CFR26 and 49CFR23).
- Reviews annual affidavits and decides which SBE firms require an on-site review in accordance with Federal Regulations (49CFR26 and 49CFR23) and makes recommendations of findings to Division Chief.

- Recommends approval/denial following the review and analysis of SBE annual affidavits in accordance with the regulations (49CFR26 and 49CFR23).
- Authorizes time extensions for submission of annual affidavits as necessary.
- Updates and maintains SBE files.
- Assists in the review of the SBE procedures manual for necessary revisions and makes recommendations to Division Chief.
- Responds to phone and email inquiries regarding program requirements, procedures, status of applications, annual affidavits, and requests for expansion.
- Provides guidance to small business applicants regarding the SBE certification/annual affidavit process (49CFR26 and 49CFR23).

## **B. District or Division Personnel**

### **1. Describe the responsibilities and duties of any district EEO personnel. Identify to whom they report.**

Field project personnel are the frontline, day-to-day contact with contractors and their employees. Project personnel are responsible for monitoring EEO contractual obligations and maintaining a workplace free of discrimination. Initially, all issues should be handled at this level. Project personnel notify the DLCCA and Central Office when problems arise.

The Project Manager and his/her staff are responsible for ensuring that the operations of the contractor are performed in accordance with the plans, specifications and special provisions.

The Project Manager monitors and documents the Contractor's total EEO activities on the project.

Other duties of project personnel include observation of the contractor's operations, maintaining project EEO reports, checking and transmitting data to the Division office and obtaining reports to document the contractor's efforts and accomplishments.

- Assistant Construction Engineer (ACE) for Construction  
The ACE has oversight of the individual projects in each county.
- District Labor Contract Compliance Agent (DLCCA).  
There is a DLCCA for each district.
  - Provides training and works with the Inspector-In-Charge on EEO matters.
  - Discusses EEO provisions at the pre-construction conference.
  - Coordinates the submission of EEO reports and training programs to the BEO.
  - Acts as liaison for the Contract Compliance Division.
  - Assists the project Inspector-In Charge in conducting informal discrimination complaint investigations.

The DLCCAs are responsible for DBE/EEO functions in the District. The DLCCAs have various job titles and functions for which they are responsible. Persons serving in this capacity do not report to the Bureau, but act as partners in the administration of the Contract Compliance Program. These individuals are the Division's point of contact with the field office. They disseminate information to the field and address EO/EEO concerns at the lowest level. DLCCAs report to the Assistant District Executive for Construction, the District Executive, and the Deputy Secretary for Highway Administration.

- Inspector-In-Charge (IIC)

A Project Inspector is assigned to each construction project to ensure compliance with all state and federal guidelines. The IIC's responsibilities include, but are not limited to, the following:

  - Ensuring that EEO special provisions are inserted in all contracts.
  - Enforcing the contract EEO special provisions and monitoring the compliance status of the contractor on a day-to-day basis.
  - Informing the Assistant District Engineer for Construction of any discrepancies or problems that require resolution at a higher level.
  - Attending all meetings and on-site reviews pertaining to projects (when possible).
  - Collecting and reviewing all applicable EEO reports for accuracy.
  - Maintaining control records for the receipt of applicable EEO forms.
  - Reviewing the contractor's bulletin board frequently for content and appearance.
  - Maintaining records and documentation of all EEO matters pertaining to the project as a permanent part of the project records (e.g., EEO reports, discussions, subcontract approvals, alleged discrimination complaints)
  - Assisting in the resolution of compliance issues on the project site.
  - Relaying information when project activity is not in compliance with guidelines.
  - Obtaining and reviewing compliance related documents including monthly employment data, total company employment data, and subcontract information.
  - Monitoring commercially useful functions (CUF) on federally funded projects.
  - Submitting reports as requested concerning DBE and payroll monitoring.
  
- EEO Officer (Contractor/Subcontractor)
  - Has the responsibility and authority to administer the contractor's EEO Policy/Program.
  - Periodically reviews project sites, wages, personnel actions, etc., for evidence of discriminatory treatment.
  - Promptly investigates all alleged discrimination complaints.
  - Provides the BEO with information regarding contractor EO/EEO compliance.

**2. Explain whether district EEO personnel are full-time or have other responsibilities such as labor compliance or engineering.**

District EEO Personnel are full-time and have labor compliance, engineering and other duties.

**3. Describe training provided for personnel having EEO compliance responsibility.**

William Kerney  
 Chief, Contract Compliance Division  
 Equal Opportunity Specialist 3

<b>Training</b>	<b>Date/Dates</b>
Minority Servicing Institution (MSI) Y2015 (Webinar)	11-09-2015
Women's Bureau - The Road to Jobs for Women in Construction (Webinar)	8-20-2015
FHWA Local Hiring Preference Pilot Program (Webinar)	05-04-2015
OFCCP: Coming into Compliance with Sexual Orientation and Gender Identity Requirements, Complaint Processing (Webinar)	04-08-2015
OFCCP: Coming into Compliance with Sexual Orientation and Gender Identity Requirements (Webinar)	03-24-2015
Measuring America - An overview on Computer and Internet Use and Related Statistics (Webinar)	02-19-2015
Symposium – Session 10 - Data Collection- Analyzing Data to Meet Program Requirements in EEO (Webinar)	02-05-2015
PennDOT Project Collaboration Center (PPCC) Training (Classroom)	06-08-2015
APC PennDOT Fall Seminar	11/20/2014 to 11/21/2014 11/21/2013 to 11/22/2013 11/18/2010 to 11/19/2010 11/19/2009 to 11/20/2009

	11/20/2008 to 11/21/2008 11/15/2007 to 11/16/2007 11/15/2006 to 11/17/2006
Valuing Diversity	8/5/2014
Absence Mgmt. for Supervisors 2013-14 , 2011-2012	7/12/2013 05-24-2011
MD 410.10 Significant Changes 410.10 - Guidelines for Investigating and Resolving Internal Discrimination Complaints	04/03/2013
Workforce & Succession Planning	2/7/2013
State Internal Equal Employment Opportunity (EEO) Program	7/30/2009
Equal Opportunity Contractor Compliance Program	7/29/2009
Right to Know Law	08/21/2012 12/09/2008
Making EEO Laws Work For You	09/16/2008
Ethics in the workplace	05/02/2008
Discrimination and Sexual Harassment Prevention	09/19/2006

Desmonde Hoppie  
Equal Opportunity Specialist 2

<b>Training</b>	<b>Date/Dates</b>
Minority Servicing Institution ( MSI) Y2015 (Webinar)	11-09-2015
Collaborate Your Way to Awesome with OneDrive for Business (Webinar)	09-24 2015
How Excel Makes You Look Like Einstein: Using Formulas and Macros (Webinar)	8-21-2015
Women's Bureau - The Road to Jobs for Women in Construction (Webinar)	8-20-2015

FHWA Local Hiring Preference Pilot Program	05-04-2015
OFCCP: Coming into Compliance with Sexual Orientation and Gender Identity Requirements, Complaint Processing (Webinar)	04-08-2015
OFCCP: Coming into Compliance with Sexual Orientation and Gender Identity Requirements (Webinar)	03-24-2015
Measuring America - An overview on Computer and Internet Use and Related Statistics (Webinar)	02-19-2015
Symposium – Session 10 - Data Collection- Analyzing Data to Meet Program Requirements in EEO (Webinar)	02-05-2015
The Forum for Youth Investment – Performance Partnership Pilots (P3) (Webinar)	1-9-2015
PennDOT Project Collaboration Center (PPCC) Training (Classroom)	06-08-2015
Valuing Diversity	8/5/2014
State Internal Equal Employment Opportunity (EEO) Program	7/30/2009
Equal Opportunity Contractor Compliance Program	7/29/2009
Making EEO Laws Work For You	09/16/2008
Ethics in the workplace	05/02/2008
Discrimination and Sexual Harassment Prevention	09/19/2006

Blaine Claiborne  
Equal Opportunity Specialist 2

<b>Training</b>	<b>Date/Dates</b>
Minority Servicing Institution (MSI) Y2015 (Webinar)	11-09-2015

Women's Bureau - The Road to Jobs for Women in Construction(Webinar)	8-20-2015
FHWA Local Hiring Preference Pilot Program (Webinar)	05-04-2015
OFCCP: Coming into Compliance with Sexual Orientation and Gender Identity Requirements, Complaint Processing (Webinar)	04-08-2015
OFCCP: Coming into Compliance with Sexual Orientation and Gender Identity Requirements (Webinar)	03-24-2015
Measuring America - An overview on Computer and Internet Use and Related Statistics (Webinar)	02-19-2015
Symposium – Session 10 - Data Collection- Analyzing Data to Meet Program Requirements in EEO (Webinar)	02-05-2015
Classroom - PennDOT Project Collaboration Center (PPCC) Training (Classroom)	06-08-2015
Valuing Diversity	8/5/2014
State Internal Equal Employment Opportunity (EEO) Program	7/30/2009
Equal Opportunity Contractor Compliance Program	7/29/2009
Right to Know Law	08/21/2012 12/09/2008
Making EEO Laws Work For You	09/16/2008
Ethics in the workplace	05/02/2008
SSS Timesheets and Leave Requests Knowledge Check	06/29/2007
ESS Timesheets and Leave Requests Knowledge Check	06/14/2007
Discrimination and Sexual Harassment Prevention	09/19/2006

Latunde Kolawole  
 Equal Opportunity Specialist 2

<b>Training</b>	<b>Date/Dates</b>
Valuing Diversity	8/12/2014
Ethics in the Workplace	2/4/2008

Alva Lichius  
 Equal Opportunity Specialist 2

<b>Training</b>	<b>Date/Dates</b>
Sexual Harassment Awareness & Prevention	06/11/2015
Classroom - PennDOT Project Collaboration Center (PPCC) Training.	11-03-2015
Discrimination. & Sexual Harassment Prevention	07/11/2014
Ethics in the Workplace	07/11/2014

Harvey Bear  
 Equal Opportunity Specialist 2

<b>Training</b>	<b>Date/Dates</b>
PennDOT Project Collaboration Ctr- PPCC	06/08/2015
FHWA Title VI and Nondiscrimination Program	08/11/2009
Equal Opportunity Contractor Compliance Program	07/29/2009
Techniques for Successful Meetings	01/21/2009
Discrimination and Sexual Harassment Prevention	02/08/2008 05/16/2006
Ethics in the Workplace	02/08/2008
Construction Conference	02/13/2007

Timothy Durden  
 Clerk Typist 3

<b>Training</b>	<b>Date/Dates</b>
Right-to-Know Law (RTKL) Coordinator Training	04/07/2015
Right-to-Know Law (RTKL) Overview	04/07/2015
Records Liaison Training	04/07/2015
Records Overview	04/07/2015
Time and Attendance Refresher Training	12/04/2013
Travel Arranger	10/09/2013
Right-To-Know Law Manager Training: 2012 Court Decision Update	08/23/2012
Discrimination and Sexual Harassment Prevention	08/16/2010
Sexual Harassment Awareness and Prevention	10/27/2011
Contractor Responsibility Program System	06/07/2011
State Records Management Overview	05/02/2011
Right to Know	02/02/2011
Ethics in the Workplace	04/07/2010
Right To Know Law Training	04/07/2010

Tiffany Barksdale  
 Administrative Assistant

<b>Training</b>	<b>Date/Dates</b>
Right-to-Know Law (RTKL) Coordinator Training	04/07/2015
Right-to-Know Law (RTKL) Overview	04/07/2015
Records Liaison Training	04/07/2015
Executive Correspondence Process (ECP)	02/28/2012
Secretary's Correspondence Procedures	02/28/2012
OA Travel Policy Update	12/02/2011

Dustin Hobough  
 Chief, DBE/Title VI Division  
 Equal Opportunity Specialist 3

<b>Training</b>	<b>Date/Dates</b>
Title VI Symposium (Webinar)	2015
DBE Personal Net Worth Training (Instructor Led)	2015
DBE Uniform Report Training (Webinar)	2015
Civil Rights Monthly Webinar DBE Uniform Report	2015
DBE Interstate Certification Forum (Webinar)	2015
Environmental Justice (Webinar)	2015
FHWA Environmental Justice Guidance Document (Webinar)	2015
Walsh Granite Joint Venture/PennDOT Internal DBE Training (Instructor Led)	2015
FTA Civil Rights (Webinar)	2015
eSignature Process (Webinar)	2015
e-Builder Overview & Navigation Training (Webinar)	2015
PennDOT Project Collaboration Ctr- PPCC	06/08/2015
APC Fall Seminar	11/20/2014
APC PennDOT Fall Seminar	11/21/2013
Valuing Diversity	08/05/2014
Labor Relations Training	10/23/2013
FHWA Title VI and Nondiscrimination Program	08/11/2009
Equal Opportunity Contractor Compliance Program	07/29/2009
DGS-BW Reports for Contract Compliance	02/05/2009
DGS- Preparing the Contract Compliance Plan & Policy	07/25/2008
DGS Discrimination Complaint Investigation	05/30/2008
Discrimination and Sexual Harassment Prevention	09/07/2006

Faith Colden

CCA | DBE Field Agent | Equal Opportunity Specialist 2

<b>Training</b>	<b>Date/Dates</b>
e-Builder Overview & Navigation Training (Webinar)	2015
OFCCP - Compliance Assistance Training	August 2015
ACCA Training (The Value of Today's Compliance)	August 2015
Measuring America - An overview on Computer and Internet Use and Related Statistics.	February 2015
Data Collection: Analyzing Data to Meet Program Requirements in EEO.	February 2015
PennDOT Project Collaboration Ctr- PPCC	06/08/2015
Valuing Diversity	08/12/2014
Sex Harassment Awareness & Prevent	05/08/2013
Discrimination and Sexual Harassment Prevention	01/08/2013

Matthew Kelly

Title VI Specialist | Equal Opportunity Specialist 2

<b>Training</b>	<b>Date/Dates</b>
Environmental Justice (Webinar)	2015
FHWA Environmental Justice Guidance Document (Webinar)	2015
PennDOT Project Collaboration Ctr- PPCC	06/08/2015
A Beginner's Guide to Project Success	12/16/2014
Valuing Diversity	08/05/2014
Effective Writing	04/17/2014
Sexual Harassment Awareness and Prevention	10/27/2011

Ethics in the Workplace	01/04/2011
Discrimination and Sexual Harassment Prevention	01/04/2011

Dwan Lee

DBE/DB/SBE Programs Administrator | Equal Opportunity Specialist 2

<b>Training</b>	<b>Date/Dates</b>
Civil Rights Monthly Webinar DBE Uniform Report	2015
Walsh Granite Joint Venture/PennDOT Internal DBE Training	2015
FTA Civil Rights Webinar	2015
PennDOT Project Collaboration Ctr- PPCC	06/08/2015
Valuing Diversity	03/12/2015

Trista Maurer

Certification | Equal Opportunity Specialist 2

<b>Training</b>	<b>Date/Dates</b>
Effective Telephone Practices (Online)	02/04/2015
DBE Personal Net Worth Training (Instructor Led)	2015
DBE Interstate Certification Forum (Webinar)	2015
Title Searching	04/23/2013
Equal Opportunity Contractor Compliance Program	07/29/2009
Ethics in the Workplace	01/30/2008
Discrimination and Sexual Harassment Prevention	09/14/2006
Sexual Harassment Awareness and Prevention	05/18/2006

Keyla Evans

Certification | NSTI | Equal Opportunity Specialist 2

<b>Training</b>	<b>Date/Dates</b>
DBE Personal Net Worth Training (Instructor Led)	2015
DBE Interstate Certification Forum (Webinar)	2015
A Beginner's Guide to Project Success	12/16/2014
Basic Project Management Assessment	08/11/2014 08/12/2014
Appreciating Differences in Workplace	05/17/2013
Defusing Emotionally Charged Situations	04/12/2011
Creative Problem Solving	08/24/2010
FHWA Title VI and Nondiscrimination Program	08/11/2009
DGS- Preparing the Contract Compliance Plan & Policy	07/25/2008
Discrimination and Sexual Harassment Prevention	04/17/2008
Ethics in the Workplace	01/30/2008
Sexual Harassment Awareness and Prevention	02/20/2007

Matthew Auterson

Equal Opportunity Assistant

<b>Training</b>	<b>Date/Dates</b>
FHWA DBE/ACDBE Certification Training	10/09/2015
Sex Harassment Awareness & Prevent	11/04/2015
Customer Focus 1-2-3-4	09/17/2015
Sex Harassment Awareness & Prevent	06/09/2015
Ethics in the Workplace	05/27/2015

Discrimination & Sexual Harassment Prevention	05/27/2015
	09/20/2013
Ethics in the Workplace	09/20/2013

**BEO staff provided the following training:**

Training provided by William Kerney, Chief, DBE/Title VI Division

- PennDOT Contract Compliance – Reading, 05/20/2015
- PennDOT Contract Compliance – Philadelphia, 03/17/2015
- PennDOT Contract Compliance – Pittsburgh, 12/17/2014

Training provided by Dustin Hobough, Chief, DBE/Title VI Division

- Procurement Webinar – DBE Procedures for Service Agreements
- DBE Training at the Aviation Conference in Hershey – FAA Compliance Review Findings, Regulatory Changes, and Monitoring Procedures
- DBE Right-of-Way Manual Procedures Training
- DBE Program Overview
- DBE Certification
- SBE Program Overview
- Diverse Business (DB) Program Overview
- DBE Training at the Aviation Conference in Harrisburg – Monitoring Procedures

Training provided by Faith Colden, DBE Field Agent, Equal Opportunity Specialist 2

- Walsh Granite Joint Venture - PA P3 Bridges DBE Outreaches (3 Sessions). February 2015 (Advisor role)
- WGJV Internal DBE Training Session (3 Sessions). June 2015 (Co-Instructor)
- 2015 Monthly DLCCA Tips

January	Payment Comments
February	Notice to Proceed
March	Changes to the Minority Participation and Commitment/Subcontractor Request screens
April	North American Industry Classification System (NAICS) Codes
May	DBE PA UCP Certification
June	Regular Dealers, Materials Suppliers and Brokers
July	DBE Goal Setting for Highway Construction Projects
August	DBE Supportive Service Center
September	Discrimination and Contract Compliance
October	ECMS in-put payments

November	Request a change to the Pending Completion Date
December	DBE Goal Credit

Training provided by Contract Compliance Staff (Onsite and Field Reviews)

In addition to training provided before, during and after onsite reviews and field visits, contractors and subcontractors are also provided with the following documents and information after onsite reviews:

General Information

- Preconstruction Packet and word documents of sample letters and forms to assist in complying with EO/EEO contractual requirements.
- Documentation Requirements for Federal Aid Projects (Chart of Forms) - PennDOT BEO - 11-12-2014( Updated 05-01-2015)
- OFCCP - Technical Assistance Guide for Federal Construction Contractors
- DSP 12 (EO 11246) – Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity. (Designated Special Provision)
- FHWA 1273 (Required Contract Provisions, Federal Aid Construction Contracts)
- Affirmative Action Plan (Sample)
- Employment Application (includes Voluntary Self Identification)

Designated Special Provisions (DSPs)

- DSP1. Offset Provision for State Contracts.
- DSP2. Contractor Responsibility Provisions.
- DSP3. Provisions for State Contracts Concerning the Americans with Disabilities Act.
- DSP4. Minority Business and Women Business Enterprise Participation Requirements. This is used on all 100% State projects requiring Prequalification.
- DSP5. Minority Business and Women Business Enterprise Program. Use only on 100% State funded projects over \$100,000 requiring Prequalification and do not have Designated Special Provision DSP4.
- DSP6. Minority Business and Women Business Enterprise Utilization Requirements. Use is on all 100% State funded projects without Prequalification requirements. Minimum participation levels of 5% for MBE and 3% for WBE of the dollar amount of the bid have been established for this project.
- DSP7. Disadvantaged Business Enterprise Requirements.
- DSP8. F. A. R.—Required Contract Provisions Federal-Aid Construction Contracts – March 10, 1994.
- DSP9. Special Supplement—Anti-Pollution Measures – August 26, 1999.
- DSP10. Nondiscrimination/Sexual Harassment Clause – June 30, 1999.
- DSP11. Contractor Integrity Provisions – June 30, 1999.

- DSP12. Executive Order 11246, with Appendices A and B.

Labor & Contract Compliance Manual (L & CC Manual)

Section 1

Project Bulletin Board  
Responsibilities of Inspector-In-Charge  
Project Bulletin Board Checklist

Section 2

Subcontracting  
Responsibilities of Inspector-In-Charge  
Subcontracting Checklist  
Summary of Approved Subcontractors

Section 3

Fringe Benefit Letters  
Responsibilities of Inspector-In-Charge

Section 4

Disadvantaged Business Enterprises  
Responsibilities of Inspector-In-Charge  
EO-402 Form Example  
DBE Monitoring Form (EO-402)

Section 5

Equal Employment Opportunity  
Responsibilities of Inspector-In-Charge  
EO Form Examples

Section 6

Trainees  
Responsibilities of Inspector-In-Charge  
Trainee Form Examples  
Summary of Project Trainees  
EO-365 Monitoring Form

Section 7

Wage Rate Interviews  
Responsibilities of Inspector-In-Charge  
Wage Rate Interview Checklist  
Wage Rate Interview Forms  
WRI Comment / Complaint Forms

## Section 8

Certified Payrolls  
Responsibilities of Inspector-In-Charge  
Example of Payroll Forms &  
Certification Forms  
Certified Payroll Checklist  
Index of Certified Payroll Submissions  
Record of Certified Payrolls  
Comment / Correction Payroll Submissions  
Record of Owner / Operators

## Section 9

General Project Safety  
Responsibilities of Inspector-In-Charge  
Project Safety Inspection Checklist

## Section 10

Project Accidents  
Responsibilities of Inspector-In-Charge  
Project Vehicle Accident Summary  
Personal Injury Reports  
Construction Zone Vehicle Accident  
Reports

## Section 11

Safety Meetings  
Responsibilities of Inspector-In-Charge  
Log of Inspector's Safety Meetings  
Log of Contractor's Safety Meetings

Attachment A of the L & CC Manual includes the following:

- Prevailing Wage Rates (from Contract)

Attachment B of the L & CC Manual includes the following:

- Miscellaneous forms
- Accident / Hazardous Spills Information
- Medical / Compensation Information

## EO/EEO Topics for Tool Box Talks

- The ADA prohibits discrimination because of disability
- Sexual harassment is prohibited in or around the worksite
- Learn your rights, know the avenues of appeal
- The company actively seeks minorities/women for employment
- Equal rights laws are your guarantee of a fair workplace

- \_\_\_\_\_ is an (EOE) Equal Opportunity Employer
- The Importance of the Project Bulletin Board
- Documenting discrimination
- The responsibilities of the Project EEO Officer
- How PennDOT ensures your equal rights
- What are non-segregated facilities?
- Minorities recognized by government
- Your role in equal employment opportunity
- Be alert for violations of equal employment opportunity laws
- What are DBE contracting firms?
- Minorities and Females – Established Project Goals
- What are MBE's and WBE's?
- What is the purpose of Handicapped accessibility laws
- Treat your fellow workers with the respect you expect
- Your right to read the contractor's EEO policy

Location for the EEO tables (imported by Labor & Industry)

Below is the location for the EEO tables (There are tables for each of the counties in Pennsylvania. The table information is available in both PDF format and Excel format). These tables were created by Labor & Industry based on Census Bureau information.

<http://www.portal.state.pa.us/portal/portal/server.pt/directory/eoo/193089?DirMode=1>

- Table 1
- Table 2
- Table 2a

The tables from the Census Bureau can be modified to show a variety of information. The tables created by Labor & Industry do not contain some information that is helpful for our Workforce Data Analysis. Knowing how to run the reports on the Census Bureau will give BEO more control and flexibility. The Bureau of Equal Opportunity (BEO) is developing training on how to run EEO Tabulation tables on the Census Bureau website. Below is information from the Census Bureau:

EEO Tabulation (2006-2010) - Location on Census Bureau Website

The EEO Tabulation serves as the primary external benchmark for comparing the race, ethnicity, and sex composition of an organization's internal workforce, and the corresponding external labor market, within a specified geography and job category.

<http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> (Main Census Bureau page)

<http://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t> (EEO Tabulation)

Use this EEO Tabulation (2006-2010) Table for Data Analysis (from the Census Bureau)

EEO – ALL02R - Detailed Census Occupation by Sex and Race/Ethnicity for Residence Geography. Total Population

REMINDER – All Contractors/Subcontractors should know the following:

- Is "An Equal Opportunity Employer" on all recruitment publications?
- Does the company have a current affirmative action plan?
- Is the nondiscrimination clause included in all of the company's purchase orders, subcontracts, and collective bargaining agreements?
- Does the EEO Officer have a position description?
- Does the company have an employment application?

What Constitutes a Commercially Useful Function (CUF)?

In order for a contractor to receive DBE credit on Pennsylvania Department of Transportation projects the DBE must perform a CUF. To perform a CUF a DBE must carry out all contract responsibilities by performing, managing, and supervising its work while utilizing their own equipment. Also, the DBE must be paid in accordance with Pennsylvania Department of Transportation guidelines.

Five Key Areas to Monitor for CUF Compliance

- DBE Company Management
- DBE Equipment Handling
- DBE Workforce
- DBE Contractually Supplied Materials
- DBE Performance

CUF Violation Red Flags

- Management
  - Supervision of DBE employees done by another contractor.
  - The DBE provides little or no supervision of contracted work.
  - The DBE's superintendent is not a regular, full-time, exclusive employee of the DBE.
  - Supervision is performed by personnel associated with another company.
  - The DBE has not been issued a subcontract, purchase order or other contractual document.
  - DBE firm's owner is not aware of the status of the work, the employees and/or the performance of the business.
  - DBE company owners are rarely or never seen.
- Equipment
  - The equipment is used by the DBE firm but the payments are deducted by the

- prime contractor.
- The equipment used by the DBE firm belongs to another contractor with no formal long term lease agreement (large, highly specialized equipment, such as a crane, is an exception).
- Magnetic equipment signs and markings cover another company logo or other information.
- Workforce
  - Movement of DBE employees to/from other contractors.
  - Employee(s) paid by the prime.
  - Employee(s) working for another company on the project.
  - Employee(s) not familiar with DBE company owner/supervisors/key personnel.
- Materials
  - Materials for the DBE are ordered and/or paid for by another contractor.
  - Joint (2 party) checks are sent directly to the suppliers of the DBE firm without the knowledge or consent of the DBE.
  - The DBE does not deliver the agreed to joint (2-party) check to its supplier(s).
  - Materials or supplies to be obtained by the DBE are delivered to, billed to or paid for by another contractor.
  - The prime places requirements on the DBE regarding where to purchase project materials.
- Performance
  - Some of the DBE work is being done jointly with another contractor.
  - The work to be performed is outside of the DBE's known experience or capability (DBE certifications/prequalification categories).
  - The DBE performs work without a subcontract, purchase order or other signed contractual document.
  - A DBE subcontracts more of its work than is customary or standard industry practice (50%).
  - DBE participation on a project is less than the prime's commitment.
  - Lack of evidence of ownership, control and/or independence of the DBE.
  - The DBE works for only one prime contractor or a large portion of the DBE's contracts are with one contractor.

**Note:** Noting a red flag does not automatically mean there is a CUF violation. However, notice of red flag(s) should be documented and reported.

# **Compliance Procedures**

## **II. Compliance procedures**

### **A. Applicable directives**

1. FHWA Contract Compliance Procedures.  
PennDOT complies with the contract compliance and organizational responsibilities as provided by 230.301 Part I
2. EEO Special Provisions (FHWA Federal aid Highway Program Manual volume 6, Chapter 4, section 1, sub-section.2,
3. Training Special Provisions (FHWA Federal aid Highway Program Manual volume 6, Chapter 4, Section 1, Sub-section 2.

Supporting Regulations and Authorities:

1. 23 USC (140)(a),
2. Title VI of the Civil Rights Act of 1964,
3. 23 CFR, Parts 200, 230 and 633,
4. 49 CFR, Parts 21 and 26

### **B. Implementation.**

#### **1. Describe process (methods) of incorporating the above FHWA directives into the SHA compliance program.**

FHWA has issued a Contractor Compliance Desk Reference. The Desk Reference is intended to provide guidance and direction in the development and implementation of an Equal Opportunity Contractor Compliance Program (EOCCP) by State Transportation Agencies (STAs) such as PennDOT, that meets the current executive and legislative requirements as well as Federal Highway Administration's (FHWA) regulations under 23 CFR 230. The Desk Reference consolidates into a single resource document directions, interpretations, regulatory references as well as examples of various formats, which may be used in the Contractor Compliance process.

#### **2. Describe the methods used by the State to familiarize State compliance personnel with all FHWA contract compliance directives. Indicate frequency workshops, training sessions, etc.**

Training on EEO requirements has been delivered via teleconferences, workshop-type meetings and webinars.

#### **3. Describe the procedure for advising the contractor of the EEO contract requirements at any preconstruction conference held in connection with a Federal-aid contract.**

The External Equal Opportunity Contract Compliance Program is responsible for ensuring that contractors and subcontractors working on federally funded construction projects

throughout the state do not discriminate in employment and contracting practices based on race, color, religion (in the context of employment), sex, national origin, age or disability. The Equal Opportunity (EO) requirements set forth in the Required Contract Provisions (FHWA-1273) are applicable to all contractors and subcontractors who hold Federal-Aid contracts of \$10,000 or more.

Contract compliance begins with the award of the contract and continues until contract performance is satisfactorily completed.

1. Contract Award
2. Pre-Construction Meeting
3. Contract Compliance Oversight
4. Contract Compliance Review Procedures

### Contract Award

The Department ensures nondiscrimination in the award and administration of federal-assisted contracts. The BEO notifies Office of Federal Contract Compliance Programs (OFCCP) and other entities regarding all federal contract awards (on a monthly basis).

### Pre-Construction Meeting

The Pre-Construction Meeting is held after the contract is awarded, and prior to the start of work. The Engineer arranges a conference with the contractor, subcontractors, and all other interested parties to review contract requirements, construction details, work schedules, and any items pertinent to the project. Prior to the pre-construction meeting, the Engineer, all key Inspectors, and the Survey Chief study the project plans and become familiar with the project site to gain a thorough understanding of project requirements and existing project conditions.

At the conference, department personnel and the contractor's staff become acquainted, establish lines of authority and determine responsibilities and duties. A detailed written record of the meeting is maintained (e.g., meeting minutes) in the contract file along with any required documentation provided to resource agencies.

- Attendees (recommended)
  - Project Engineer, Resident Engineer and District Staff Engineers as needed
  - Contractor, Subcontractors, and their Superintendents and Foremen
  - District Construction Office personnel
  - Chief Inspectors and Survey personnel who have been or will be assigned to the project
  - Engineers from the Federal Highway Administration
  - Engineers or representatives from PennDOT Central Office as needed to clarify administrative or technical matters

- Engineers or representatives of other governmental units or agencies
- Representatives of any utility companies having property within or immediately adjacent to the project limits
- Enforcement or Traffic Control Officers
- District Safety Administrator
- The BEO (Contract Compliance Specialist, DBE Specialist, OJT)
- The contractor's Project Management Team (i.e., Managers, Superintendents and Engineers)
- Meeting Minutes
  - The Engineer is responsible for the conference agenda, conducting discussions, and ensuring that minutes of the meeting are recorded and distributed to all attendees.
- Agenda
  - General Agenda Topics include the following:
    - Introduction
    - Identity of Representatives
    - Contractor's Work Plan
    - Construction Requirements
    - Environmental
    - Traffic Control
    - Traffic Laws
    - Materials
    - Storage of Equipment and Materials
    - Law Enforcement
    - News Media
    - Safety Issues
    - Contractor Estimates
    - Subcontracts
  - Agenda Topics pertaining to EEO include the following
    - DBE and SBE
      - Contractors will be advised of requirements in the DBE/SBE special provision.
      - Contractors should also be directed to contact the area engineer's (AE) office concerning anticipated changes to their DBE/SBE commitment, any disputes, or inability to meet the goal.
      - The district is responsible for approving any requests from the contractors, for DBE/SBE removals, substitutions, and Good Faith Efforts resulting from removal of a DBE/SBE.
      - Reports of all payments made to the DBEs and SBEs, regardless of commitment
    - EEO
      - Equal Employment Opportunities (EEO) Compliance Program requirements are contained in the following special

provisions

- ✓ Form FHWA1273 - Required Contract Provisions Federal-Aid Construction Contracts
  - ✓ Executive Order 11246
  - ✓ Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity
  - ✓ Specific Equal Employment Opportunity Responsibilities Pennsylvania Department of Transportation, Pub 408 Specifications, Section 107.30.
- On-the-Job -Training
    - Assignment of training slots to specific projects is based on the following:
      - ✓ The availability of minorities, women and disadvantaged individuals
      - ✓ The potential for effective training
      - ✓ Duration of the contract
      - ✓ Dollar amount of the contract
      - ✓ Total normal work force the average bidder is expected to use
      - ✓ Geographic location
      - ✓ Type of work
      - ✓ Need for additional journeyman in the area
      - ✓ Total trainees established and trainee goal submitted to FHWA
      - ✓ Ratio of journeymen to trainees during normal operations
      - ✓ Contractors must enroll, train and graduate a number of trainees sufficient to meet their assigned project trainee goal.
  - Labor Compliance
    - *Prevailing wage rate requirements:* Contractors and subcontractors must pay employees, at a minimum, the classification wage rates specified in the contract. The minimum wage rates must also be conspicuously posted and accessible on the project site.
    - *Payroll records:* Payroll records certifying compliance with the contract's minimum wage rates, overtime and payroll deduction requirements must be submitted within 7 calendar days on Federal-Aid construction projects. On 100% state funded construction contracts, the contractor or subcontractor must keep the payroll records and make them available for review by the department.

- *Bulletin Board Requirements:* The U.S. Department of Labor, Federal Highway Administration, and U.S. Department of Transportation require certain posters to be posted on bulletin boards in places accessible to employees, applicants for employment and potential employees.
- *EEO Meeting Requirements:* EEO meetings with supervisory and personnel office employees must be conducted before the start of work and then at least once every six months. EEO meetings with non-supervisory employees must be conducted at least annually.

### **Modified Contract Compliance Procedures (Due to Budget Impasse)**

Due to the Budget Impasse in Pennsylvania, The Bureau of Equal Opportunity (BEO) sought and received approval from FHWA to modify the Contract Compliance Review process. The proposed process is intended to ensure that the Department continues to fulfill its obligation to ensure contractors and subcontractors working on federally assisted highway contracts comply with nondiscrimination and equal opportunity requirements.

The modified process involved substituting a desk review process in lieu of site visits. With the exception of site visits the Department's contract compliance process will remain unchanged.

#### Desk Review Process

- Step 1 – Selected contractors will be notified that the Department will conduct a desk review to determine their compliance with EEO obligations as per the attached letter. As per the letter, contractors will be required to submit documents normally acquired during the onsite along with the PDT-86 submission. In addition, the contractor will be advised that that a PennDOT BEO staff person will contact the EO Officer to coordinate a phone interview with staff and subcontractors scheduled for review.
- Step 2 – The contractor and selected contractors will be required to provide requested information within fifteen (15) days of receiving the notification letter.
- Step 3 – The appropriate district personnel will be notified of the review via telephone communication and copied on the notification letter. District personnel will be asked to provide pictures of the contractor's bulletin board and to assess whether the contractors bulletin board contains all required postings and notices; is protected from the elements; is accessible to employees and applicants, and, includes policy statements for subcontractors. In addition, district personnel will be asked to ascertain and submit subcontract reference pages demonstrating that EEO clauses and DSPs, including the FHWA 1273 are attached to agreements as required. If appropriate documents are not available, in addition to requiring contractor to immediately correct the deficiency, the district personnel will be required to notify

BEO of the omission.

- Step 4 – BEO personnel will review and analyze all submitted information as part of the preliminary analysis and in preparation for the phone interviews.
- Step 5 – BEO personnel will schedule and conduct phone interviews with the contractor's EO Officer and foreperson; as well as district personnel. Questions/forms used during the onsite will continue to be used for this purpose.
- Step 6 – Interviews will be conducted with a selection of contractor employees. The employees selected to be interviewed will include minority, women and select non-minority employees in each job classification. The interviews will be conducted via telephone. In order to maintain confidentiality and privacy, BEO personnel will contact employees via home phone numbers obtained from the contractor as part of the information request. Questions/forms that are used during the onsite will continue to be used for this purpose.
- Step 7 – BEO will contact the contractor's EO Officer and other appropriate contractor personnel to conduct an exit conference within five (5) days of completing the last employee interview.
- Step 8 – All information will be analyzed and a determination will be made that is consistent with 23 CFR 230.

#### Preliminary Analysis

Contractors will be requested to provide the same information as is normally provided during the onsite, however, the information will be submitted along with the PDT – 86 submission.

## Contract Compliance Oversight

The PennDOT Bureau of Equal Opportunity (BEO) has statewide Contract Compliance oversight. Pennsylvania is divided into eleven (11) districts. The BEO Central office has primary oversight. Each district has responsibility for the day-to-day administration of contractor compliance. EO/EEO Staff responsibilities include the following:

- Equal Employment Opportunity (EEO) Specialist (Central Office)  
BEO has two (2) EEO Specialists in Central Office.
  - Conducts compliance reviews of construction, and non-construction contractors doing business with the Department to ensure compliance with state and federal EO/EEO requirements.
  - Area of assignment: Commonwealth Wide (All Districts).
  - Assists in conducting conciliation and mediation conferences to correct deficiencies with contractors found to be in noncompliance.
  - Conducts follow-up reviews to ensure compliance with conciliation agreements/corrective action plans.
  - Conducts project inspections as warranted.
  - Reviews contractors' efforts in the recruitment of minorities and women in an effort to obtain adequate representation in all construction trades.
  - Assists in providing training and technical support to departmental/industry personnel, as necessary, to ensure EO/EEO compliance.
  - Investigates complaints of alleged discrimination/sexual harassment against contractor, supplier, and vendors doing business with the Department and submits the required report within ninety (90) calendar days of assignment.
  - Assists in the preparation of reports to FHWA, the Deputy Secretary for Administration, and the Department of General Services.
  - Participates in EEO conferences and workshops for the purpose of training and education, benchmarking, examination of EO/EEO best practices, and identification of highway construction recruitment sources.
  - Assists District Labor Contract Compliance Agents (DLCCA) in monitoring EO/EEO activities of contractors in their respective Districts.
  - Establishes and maintains close working relationships with Department entities and other agencies including, but not limited to, PennDOT's Bureau of Project Delivery; Office of Chief Counsel; Department of General Services, Bureau of Small Business Opportunities; the Small Business Administration; Minority, Women, and Prime Contractors' associations; Minority Economic Development Agencies; Community-Based Organizations; USDOL/OFCCP; and the Pennsylvania Department of Labor.

- Equal Employment Opportunity (EEO) Specialist (In Field)  
 BEO has two (2) EEO Specialists in the field. One Specialist covers the Western Portion of the State and the other covers the Eastern Portion of the State.
  - Conduct two contract compliance field audit reviews/follow up visits per week.
  - Write and submit field journals no later than two weeks after field visits  
 Information regarding the following is documented in the field journal:
    - Subcontract Agreements
    - Trainee
    - DBE
    - Certified payrolls
    - Bulletin Board
    - Workforce Data Sheets
    - Project Progress Meetings
  - Conduct a field audit review with DCCLA if possible once a month.
  - Attend preconstruction meetings and winter schools when available.
  - Monitor projects and practices in assigned districts closely for EO/EEO compliance, OJT issues, and maintenance of bulletin boards with all required posters posted.
  - Attend Mega Project Steering Committee and Progress Meetings.
  - Identify and meet with a minimum of one community based organization (CBO) a week to communicate the opportunities that exist in the highway construction industry.
  - Identify various community based organizations that have a mutual interest in recruitment and selection of women, women of color, and minorities for employment and training opportunities.
  - Conduct a field audit with each DLCCA in Districts.
  - Work with the Area Engineer and project personnel to assure contract compliance with EEO provisions.
  - Identifies patterns and practices of discrimination during the review process for further monitoring and resolution.

- Assistant District Engineer (ADE) for Construction  
 The ADE through his/her staff is responsible for ensuring that the contractor is complying with all EO/EEO contractual obligations.

This role includes supervision of personnel to ensure support of the Department's policies and procedures, which includes the Contract Compliance Program.

Under the direction of the ADE, the District staff performs the following duties:

- Obtains EO documentation, including subcontract agreements, project employment reports and certified payrolls.
- Attends pre-construction meetings and assists with compliance related issues.

- Assistant Construction Engineer (ACE) for Construction  
The ACE has oversight of individual projects in each county.
- District Labor Contract Compliance Agent (DLCCA).  
There is a DLCCA for each district.
  - Provides training and works with the Inspector-In-Charge on EEO matters.
  - Discusses EEO provisions at the pre-construction conference.
  - Coordinates the submission of EEO reports and training programs to BEO.
  - Acts as liaison for the Contract Compliance Division.
  - Assists the project Inspector-In Charge in conducting informal discrimination complaint investigations.
- Inspector-In-Charge (IIC)  
A Project Inspector is assigned to each construction project to ensure compliance with all state and federal guidelines. The IIC's responsibilities include, but are not limited to, the following:
  - Ensuring that EEO special provisions are inserted in all contracts.
  - Enforcing the contract EEO special provisions and monitoring the compliance status of the contractor on a day-to-day basis.
  - Informing the Assistant District Engineer for Construction of any discrepancies or problems that require resolution at a higher level.
  - Attending all meetings and reviews pertaining to projects (when possible).
  - Collecting and reviewing all applicable EEO reports for accuracy.
  - Maintaining control records for the receipt of applicable EEO forms.
  - Reviewing the contractor's bulletin board frequently for content and appearance.
  - Maintaining records and documentation of all EEO matters pertaining to the project as a permanent part of the project records (e.g., EEO reports, discussions, subcontract approvals, alleged discrimination complaints, etc.).
  - Assisting in the resolution of compliance issues on the project site.
  - Relays information when project activity is not in compliance with guidelines.
  - Obtains and reviews compliance related documents including monthly employment data, total company employment data, and subcontract information.
  - Monitors commercially useful functions (CUF) on federally funded projects.
- Submits reports as requested concerning DBE and payroll monitoring.EEO Officer (Contractor/Subcontractor)
  - Has the responsibility and authority to administer the contractor's EEO Policy/Program.
  - Periodically reviews project sites, wages, personnel actions, etc., for evidence of discriminatory treatment.

- Promptly investigates all alleged discrimination complaints.
- Provides the BEO with information regarding contractor EO/EEO compliance.
- OJT Support Services
  - Provides Trainee Orientation
    - Within the first month of an active enrollment, Consultant conducts on-site trainee orientations. Discussions include training to be provided, as well as the benefits and difficulties that are associated with working in the highway construction industry.
  - Trainee Monthly Counseling
    - A Field Counselor meets with each trainee at the project site on a monthly basis. The trainee is given an opportunity to ask questions and to provide feedback.
  - Prepares Trainee Interview Reports
  - Provides guidance to trainees in conjunction with the BEO
  - Serves as Union liaison for apprentice referrals

**IV.** Addresses trainee performance issues

**CONTRACT COMPLIANCE REVIEW PROCEDURES (Process Detail)**

**Policies and Procedures** that guide the program are:

1. FHWA Contract Compliance Procedures (23 CFR 230, Subpart D)
2. EEO Special Provisions (23 CFR 230, Subpart A).
3. Training Special Provisions (23 CFR, 230, Subpart A. Appendix B)
4. Contract Procedures (41 CFR 60-4.3(a))
5. 49 CFR Part 26, Disadvantaged Business Enterprise

**Implementation Procedures**

An effective Contract Compliance Review Process (CCRP) is the means for determining whether a firm performing on a Federal or Federal-Aid highway contract is complying with EO /EEO program requirements. A contract compliance program involves objectively analyzing all pertinent documentation in order to make a compliance determination. If PennDOT determines that the contractor is not in compliance, PennDOT will follow a systematic process to ensure compliance. The CCRP process consists of the following major components: Planning, Preliminary Analysis, On-site Verification, Compliance Determination and, where necessary, Corrective Action. For Corrective Action to be effective, PennDOT will perform a follow-up review to determine if the contractor has fulfilled its corrective action commitments. If the contractor has not fulfilled its commitments, PennDOT will initiate enforcement actions to address the contractor’s non-compliance. A systematic approach to the CCRP will help the Equal Opportunity Specialist to ensure that the contractor produces positive and meaningful “good faith” results.

## Selection and Scheduling

- Selecting a Contractor (FHWA Guidelines)

The following items, along with those listed in 23 CFR 230, Subpart D, are considered in planning the compliance review schedule:

- Total size (\$) of the Department's highway construction season
- District work projections – Notice To Proceed (NTP)
- Assignments outside of field work
- OFCCP Plan for the season
- Underutilization Report compared to Civilian Labor Force Statistics
- Current letting schedule
- Follow up reviews
- Union makeup and availability of minorities and women
- OJT projections
- Projects identified prior to peak employment

Priority in scheduling Project Specific and Areawide Reviews is given to those contractors.

- Working on a significant number of contracts.
- Which hold the greatest potential for employment and promotion of minorities and women.
- Working in areas that have significant minority and women labor forces within a reasonable recruitment area.
- Working on projects that include special training provisions.
- Working on projects that have a Disadvantaged Business Enterprise goal.
- Whose compliance with equal opportunity requirements is questionable (based on review reports or other available information).
- Who have not been reviewed or audited during the previous year.

- Selecting a Contractor (BEO Contractor Selection Process)

In light of FHWA guidelines and reviewing the various types of compliance reviews deemed appropriate by FHWA, PennDOT plans to conduct project specific<sup>1</sup> reviews.

To accomplish the selection of the construction projects in an objective manner,

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<sup>1</sup> **Project Specific** - Generally involves a review of a single major project to determine whether contractors are meeting the employment, training and subcontracting and other requirements in their contracts. This type of review is usually best for major projects with significant employment, training and subcontracting potential. Project reviews can include all primes and subcontractors, including joint ventures. It is not necessary or advisable to have representatives of all involved/reviewed entities engaged in or in attendance throughout the entire review

given staffing and other limitations, the PennDOT Bureau of Equal Opportunity (BEO) has prepared a mechanism that will numerically compare contractors based on criteria in established review guidelines, utilizing data already captured by PennDOT. By assigning specific point values to specific criteria each contractor can be ranked in order to objectively determine which contractors should be targeted for review and in which order. This determination will permit the establishment of baseline data for each contractor that is specifically related to civil rights compliance in terms of Equal Opportunity (EO) and Equal Employment Opportunity (EEO).

To accomplish the selection of contractors/companies for compliance review PennDOT has adopted a mechanism that evaluates each company/contractor in an objective and quantifiable manner, resulting in a ranking.

- A. An objective analysis will be conducted of contractors based on: the awarding of contracts to any contractor/company. PennDOT will look at contracts awarded in a two-year period (the current fiscal year and the prior fiscal year).
  - (1) Contractors/companies with current contracts will receive greater points in the valuation of this criteria, based on the number of contracts entered into with PennDOT, than contractors/companies who do not have current contracts with PennDOT;
  - (2) Higher values will be allocated to Contractors with multi-year contracts. These types of contracts allow PennDOT to conduct follow-up reviews to check on the status of good faith compliance efforts.
- B. The nature of funding on any contracts awarded to any contractor/company within a designated evaluation period;
  - (1) The greater the total percentage of a contractor's/company's total contracts during the designated review period which are federally funded (in whole or in part), as opposed to fully state funded, will result in greater points being assessed in the valuation of this criteria;
- C. The percentage value of the contract(s) awarded to any contractor/company as compared to the total value of contracts awarded by PennDOT within the designated evaluation period;
  - (1) The greater the aggregate dollar value of a contractor's/company's total contracts during the designated review period, the greater the points assessed in the valuation of this criteria;

- D. The potential for employment opportunities for minorities and females for the contractor/company based on work performed during the designated evaluation period, utilizing geographic census demographic data related to actual projects awarded;
- (1) The greater the minority population in the geographic areas where a contractor/company has contracted work, the greater the point value will be assessed for this criteria;
  - (2) the greater the minority population in the geographic areas where a contractor/company has contracted work, the greater the point value will be assessed for this criteria;
- E. An assessment of the contractor's/company's business practices during the designated evaluation period.
- (1) The accomplishment of and/or exceeding of DBE goals as compared to executing contracts without DBE goals or failing to meet established DBE goals will affect the assessment of points in the valuation of this criteria.
  - (2) The unemployment rate of minorities and women in the geographic area where the project is located.

Each of these areas will be valued and all contractors/companies will be ranked as part of the analysis. Selection for contractor compliance review will be made solely on this analysis, except where issues of potential noncompliance have been detected.

In addition to the selection rating system described above, contractors/companies will also be selected for compliance reviews in those instances where credible information creates a presumption of potential compliance deficiencies in any of the EEO Program areas or a request to conduct a compliance review is received from FHWA Headquarters.

Criteria	Analysis	Valuation
<b>Whether the Contractor has any current/recent contracts with PennDOT</b>	Contractor has/had no contracts in the designated preliminary period being analyzed (FY'15, FY'16)	0
	Contractor has 1-4 current/recent contracts in the designated preliminary period being analyzed	1
	Contractor has more than 5-8 current/recent contracts in the designated preliminary period being analyzed	2
	Contractor has more than 8 current/recent contracts in the designated preliminary period being analyzed	3
<b>Value of Contractor contracts with PennDOT</b>	Total value of the Contractor's contracts constituted less than 5% of total contract dollars spent in the designated preliminary period being analyzed	1
	Total value of the Contractor's contracts constituted 6% to 10% of total contract dollars spent in the designated preliminary period being analyzed	2
	Total value of the Contractor's contracts constituted 11% to 20% of total contract dollars spent in the designated preliminary period being analyzed	3
	Total value of the Contractor's contracts constituted greater than 20% of total contract dollars spent in the designated preliminary period being analyzed	4
<b>Nature of Contractor contracts with PennDOT</b>	Contractor's contracts were exclusively state funded contracts	1
	Contractor's contracts were mixed with less than 50% federally funded	2
	Contractor's contracts were mixed with greater than 50% federally funded up to exclusively federally funded	3
<b>Location of the Contractor's contracted work with respect to minority &amp; women populations</b>	Contractor's contract work on any project in the designated preliminary period being analyzed is located in a geographic area with 12% or less minority population	1
	Contractor's contract work on any project in the designated preliminary period being analyzed is located in a geographic area	2

	with between 13% to 28% minority population	
	Contractor's contract work on any project in the designated preliminary period being analyzed is located in a geographic area with between 29% to 48% minority population	3
	Contractor's contract work on any project in the designated preliminary period being analyzed is located in a geographic area with greater than 49% minority population	4
<b>Unemployment Rate with respect to minority &amp; women populations</b>	Contractor's contract work on any project in the designated preliminary period being analyzed is located in a geographic area where the unemployment rate of minorities and women is 12% or less.	1
	Contractor's contract work on any project in the designated preliminary period being analyzed is located in a geographic area where the unemployment rate of minorities and women is from 13% to 28%.	2
	Contractor's contract work on any project in the designated preliminary period being analyzed is located in a geographic area where the unemployment rate of minorities and women is from 29% to 48%.	3
	Contractor's contract work on any project in the designated preliminary period being analyzed is located in a geographic area where the unemployment rate of minorities and women is greater than 49% minority population	4
<b>Review DBE practices – DBE Utilization</b>	During the designated preliminary period being analyzed Contractor secured contracts with DBE goals and exceeded such goals via DBE utilization or secured contracts without DBE goals with DBE participation	1
	During the designated preliminary period being analyzed Contractor secured contracts with DBE goals and met those goals (deemed to have met goal if the variance between DBE goal and DBE participation is less than one (1) full percentage point.)	2

	During the designated preliminary period being analyzed Contractor secured contracts without DBE goals and did not utilize DBE participation	3
	During the designated preliminary period being analyzed Contractor secured contracts with DBE goals and did not meet those goals	4
Review DBE practices – prompt DBE payment	During the designated preliminary period being analyzed Contractor received/completed contracts with documented timely payment to participating DBEs	4
	During the designated preliminary period being analyzed Contractor received/completed contracts with 1-5 documented instances of untimely payment to participating DBEs	3
	During the designated preliminary period being analyzed Contractor received/completed contracts with greater than 5 documented instances of untimely payment to participating DBEs	2
	During the designated preliminary period being analyzed Contractor received/completed contracts with any documented instances of untimely payment to participating subcontractors	1
Civil Rights Complaint History	During the designated preliminary period being analyzed PennDOT did not receive any complaints and contractor self-identified (based on response to direct information solicitation) not having received complaints of potential discrimination filed against the Contractor	1
	During the designated preliminary period being analyzed PennDOT received or contractor self-identified (based on response to direct information solicitation) having received complaints of potential discrimination filed against the Contractor	2
	During the designated preliminary period being analyzed PennDOT received or contractor self-identified (based on	3

	response to direct information solicitation) multiple instances of complaints of potential discrimination either filed against the Contractor or raised against the Contractor	
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- Contractor Notification

The contractor is notified via email of the following:

- Date(s) of review
- Location of review
- Mechanics and basis of review
- Interviews that will be conducted
- Contractor responsibility to notify subcontractors of their need to participate in the review process

Type of Review:

Project Specific<sup>2</sup>:

- Project identification
- Project location
- Dollar value of the contract

Contractor Notification: **Notification Letters (Exhibit A)**

Contractor notified at least **TWO (2) WEEKS** in advance of review

Notice to contain:

- Date (s) of review
- Location of review
- Outline mechanics and basis for review
- Requisite interviews to be conducted
- Responsibility to notify subcontractors of their need to participate in the review process

Preliminary Analysis: **Contractor’s Self Analysis Package (Exhibit B)**

Information packet included with Notification Letter to be completed by contractor and all subcontractors anticipated being active the day of the review.

Information supplied by contractor or available in the office reviewed prior to arrival at the project site:

- Review past compliance reviews and CAP/Conciliation Agreements on File

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<sup>2</sup> A Project Specific review generally involves a review of a single major project to determine whether contractors are meeting the employment, training, subcontracting and other requirements in their contracts. The BEO looks for projects with significant employment opportunities, training, and subcontracting potential.

- Current Workforce (PR 139)
- Relationship with referral source – Private or Union
- Minority or Women referral sources verified
- Availability of minority and women in the recruitment area – Civilian Labor Force Data
- Pending EEOC, PHRC, or other State Discrimination Actions
- Related Project or Contractor Issues
- DBE Participation on Project
- The contractor's Employee Benefit Plans (Profit sharing, insurance, retirement, etc.)
- Contractor's Part III, Prequalification Package

On-site Verification and Interviews: **Project Review Questionnaires (Exhibit C)**

Construction site visit:

- Review data submitted by the contractor, clarify any questions
- Arrange site tour (bulletin boards, facilities, etc.)
- Supervisory orientation (how is it handled, documented)
- Employee referrals (notices)
- Verify payroll data matched with submitted data package
- Verify frequency of employee meetings, topics covered, employee attendance
- Check employee awareness of Avenues of Appeal rights, procedures, and time frames
- Document visits of EEO Officer to projects; meetings held, topics, attendance
- Interview at least one minority, women and non-minority in each job classification, trade or occupation
- Interview Project Superintendent
- Interview Inspector-In-Charge
- Interview EEO Officer
- Interview Topics (Topics covered during the interview process)
  - ✓ New Hires and External Recruitment Resources
  - ✓ Internal Training
  - ✓ On-The-Job (OJT) Trainee (s) on project
  - ✓ Wages / Payroll
  - ✓ Promotions
  - ✓ Demotions
  - ✓ Terminations
  - ✓ Transfers
  - ✓ Contractor's Procedure for Filing and Investigating Discrimination Complaints
  - ✓ Pending Complaints of Discrimination
  - ✓ Records and Reports
  - ✓ Unions

- ✓ Affirmative Action Plan
- ✓ EEO Information Dissemination
- ✓ Bulletin Boards
- Methods used to populate the workforce
- Representation of minorities and women in each trade, classification or occupation (compare to CLF data)
- Document the contractor's actions to integrate workforce
- Document impartial treatment of minorities and women
- Assess good faith efforts over time versus isolated instances
- Determine whether the contractor's efforts are achieving results

Exit Conference:

Preliminary findings:

- Discuss time frames, processes and expectations
- Findings Letter (if necessary) will be issued within fifteen (15) days to contractor
- Issue Voluntary Corrective Action Plan, if applicable

Voluntary Corrective Action Plan (VCAP): **(Exhibit D)**

- VCAP is completed by the reviewer at the onsite project review
- Negotiated at the exit conference
- Minor deficiencies that can be corrected within 15 days are listed
- Concerns and enforcement language agreed upon and signed by responsible official
- VCAP does not preclude a determination of noncompliance
- Details time frames and the person responsible person for implementing the corrective action
- Project personnel conduct follow-up reviews to ensure compliance

Letter of Findings and Conciliation Agreement/CAP: **(Exhibit E)**

- List deficiencies with recommended corrective action
- Issue Conciliation Agreement/Corrective Action Plan (CAP) commitment within fifteen (15) days
- Schedule Compliance Conference, within five (5) days after receipt of CAP

Show Cause Meeting Notice: **(Exhibit F)**

- Mandatory meeting to discuss corrective action measures
- Detailed discussion of changes, to be made, with mandated time frames to achieve compliance

Sanctions Notice: **(Exhibit G)**

- Imposed due to lack of cooperation from the contractor
- Mandatory submission of monthly and quarterly reports.
- Prequalification restrictions, suspensions, and/or debarment
- Commonwealth Contractor Responsibility Program

Completing the Review

Determination of Compliance/Non-Compliance:

At a minimum, to be in compliance, the following must be demonstrated:

- EEO Policy, Affirmative Action Plan (if available) in place
- Dissemination of EEO Policy, Education of Supervisory Staff
- Authority and responsibility of EEO Officer
- Establish recruitment activities that “produce results”, especially in terms of utilizing minority and women referral sources
- Participation and utilization of minorities and women in training programs
- Review all personnel functions
- Contractor’s participation in apprenticeship programs and OJT training programs
- Contractor’s relationship with unions with respect to minority and women union membership
- Non-segregated facilities
- Subcontractors/Suppliers
  - Procedures for monitoring
  - Utilization of minorities and women to integrate workforce

Non-compliance demonstrated by:

- Practices of discrimination against applicants or employees with respect to working conditions or privileges
- Failure of the contractor to provide documentation of ‘Good Faith Efforts’ made to recruit, hire and train minorities and women

Compliance Data Report (PDT-86): **(Exhibit H)**

- Letter of Notification
- Letter of Findings
- Contractor’s Response – Corrective Action Plan (CAP)
- Notification of compliance status to the contractor
- Subsequent correspondence to the contractor (if needed)

Finalization of Review:

- Concurrence of compliance determination by FHWA
- Compliance Status Letter (**Exhibit I**)
- Compliance – Package review documentation, including Status Letter
- Archive project review file and enter data in tracking sheet

Follow-up Review (extension of initial review process):

- Letter of Notification (**Exhibit J**)
- Verification of contractor's performance of corrective action
- Conducted on subsequent projects after contractor has been given sufficient time to implement plan
- Sent to FHWA as a narrative summary and Compliance Data Report

**NOTE: The entire compliance review process will not exceed 65 days as outlined in 23 CFR 230.409 and Appendix D to Subpart D of Part 230.**

# **Accomplishments**

### **III. Accomplishments.**

**Describe accomplishments in the construction EEO compliance program during the past fiscal year.**

**A. Regular project compliance review program. This number should include at least all of the following items:**

**(NOTE: In addition to information requested in items 4-8 above, include a brief summary of total show cause and follow up activities – findings and achievements.)**

The following information is a summary of the Construction Contract Compliance Program from January 1, 2015 – December 31, 2015:

1. Number of compliance reviews conducted - 31(11 conducted in prior year)
2. Number of contractors reviewed – 31
3. Number of contractors found in compliance – 31
4. Number of contractors found in noncompliance – 0
5. Number of show cause notices issued – 0
6. Number of show cause notices rescinded – 0
7. Number of follow-up reviews conducted – 0

Summary of common findings/concerns:

- Lack of documentation to demonstrate compliance with equal opportunity provisions
- Lack of good faith efforts in the recruitment of minorities and women particularly minority women
- EEO Officers not administering an effective EO/EEO program

There were no show cause or follow up activities conducted during the 2015 calendar year. Additionally, all contract compliance reviews conducted contained the TSP, which offered the opportunity for a complete analysis of the TSP on these projects. The TSP analyses of these projects did not ascertain any current or potential issues.

Field Audit Reviews:

- 112 Field Audit Visits (includes follow-up reviews and OJT/SS)
- Five (5) Voluntary Corrective Action Plans (VCAPs)

Summary of common findings/concerns:

- DSPs including the FHWA 1273 not physically attached to subcontracts
- Bulletin Boards incomplete/inappropriate locations

## **2015 PR-1392 ANNUAL REPORT ANALYSIS**

A comparison to the 2015 report revealed: Employment

Data:

- A decrease in project lettings by 7. (1.54%)
- An increase in the dollar expenditure by \$17,351,186. (.39%)
- An increase in total employment by 106. (1.16%)
- A decrease in minority employment by 46. (5.56%)
- An increase in total women employment by 19. (-3.72%)

Training Data:

- An increase in total training by 17. (11.56%)
- An increase in total minority training by 16. (28.07%)
- An increase in total women training by 3. (10.00%)

The following actions will be taken by PennDOT (Central Office and District Personnel) to address under-representation of women, especially minority women in the workforce of Department contractors:

- Include EEO as an agenda item at project progress meetings.
- Attend and present at APC/PennDOT Fall Conference, EEO Session.
- Look for opportunities to increase training slots in construction contracts.
- Encourage the industry to address the issue of recruitment of women especially minority women.
- Continue to coordinate with USDOL/OFCCP outreach meetings with Community Based Organizations and other women organizations.
- Network with other State Agencies to communicate the opportunities that exist in highway construction.
- Continue to conduct compliance reviews and project site inspections.
- Initiate show cause notices for firms who are non-compliant for 2 consecutive years.

PR-1392 Detailed Analysis (Exhibit O)

## Contract Compliance Goals

For calendar year 2016, the following goals will be pursued:

- A. Assure equality of employment opportunity in the workforce of contractors, subcontractors, and material suppliers engaged in the performance of Federal-aid highway construction contracts. The Department will conduct Fifty (50) compliance reviews and 80 field audit reviews.
- B. Achieve the Department's 2016 Training Goal of 135 trainee slots on Federal-Aid projects.
- C. Develop outreach activities to make community leaders aware of employment and training opportunities for minorities and women within the transportation industry. Activities include, but are not limited to, the following:
  - Continue to conduct EO/EEO/OJT Workshops for community based organizations
  - Facilitate networking meetings with Women's Organizations
  - Coordinate outreach efforts with USDOL/OFCCP and FHWA
  - Facilitate high school career days in partnership with trade unions, contractors and the Department of Education
  - Partner with the Department of Welfare to educate caseworkers regarding the opportunities available in the highway construction industry
  - Partner with the Department of Corrections to educate work release program specialists regarding on the opportunities available in the highway construction industry
- D. The State OJT/SS contract will expire December 31, 2016.
- E. The Contract Compliance Division is involved in a proposed initiative with the Department's State Transportation Innovation Council (STIC). A Deployment Plan (titled "Trainee Program for Construction Projects"), is aimed at amending the PennDOT OJT Training Special provisions to allow contractors to provide the required training hours utilizing various PennDOT projects instead of just a single project (job).
- F. The BEO will conduct educational workshops throughout the commonwealth with Contractor Associations (APC, CAWP, CAEP), contractors / subcontractors EEO Officers, and PennDOT District Personnel regarding the concept of under-representation. Under-representation addresses the fact that minorities and women are under-represented in the construction industry's aggregate workforce. The BEO along with FHWA will provide guidance on data analysis utilizing a series of

statistical formulas from the Census Bureau that provide EO / EEO information regarding the following:

- The Availability of minorities and women in the Civilian Labor Force
- Adverse Impact
- Disparate Impact

**B. Consolidated compliance reviews. Briefly, summarize the total findings.**

**1. Identify the target areas that have been reviewed since the inception of the consolidated compliance program. Briefly summarize total findings.**

There were no target areas reviewed since the inception of the consolidated compliance program.

**2. Identify any significant impact or effect of this program on contractor compliance.**

There was no significant impact or effect of this program on contractor compliance.

**C. Home office reviews. If the State conducts home office reviews, describe briefly the procedure followed by State.**

PennDOT conducts project reviews. PennDOT conducts compliance reviews solely of project work forces engaged in on-site construction (employees at the physical location of the construction activity). Area-wide work force reviews are permissible under the FHWA regulations as well as home office reviews.

**D. Major problems encountered. Describe major problems encountered in connection with any review activities during the past fiscal year.**

- The perception of BEO as an enforcement organization.
- Contractors are not well versed with the concept of good faith efforts in the employment/hiring process.
- BEO is not receiving “pre-analysis package” from the contractor in a timely manner.
- There is a lack of adequate notification of subcontractors by contractors regarding on-site review preparation.
- Contractor / Subcontractor EEO Officers are not familiar with EEO regulations.
- The Project Inspector-In-Charge is not following-up with VCAP to ensure the contractor’s compliance with findings/concerns.

**E. Major breakthroughs. Comment briefly on any breakthrough or other accomplishment significant to the compliance review program.**

- BEO educated contractors/subcontractors regarding the role of BEO in assisting with meeting contract compliance obligations.
- BEO trained new central office staff employee.
- BEO Field staff had the opportunity to educate contractors, contractors' employees, Department district/project personnel and City/County project personnel on equal opportunity compliance procedures.
- BEO participated in successful community based initiatives to bring more minorities and women into the highway construction industry.
- BEO held regular meetings and teleconferences with representatives from USDOL/OFCCP and FHWA. The purpose of these meetings is to focus on ways to increase minority and women representation within the highway construction industry through education, effective monitoring practices and relationships with industry partners. The objective is to increase communication between local trade unions, community based organizations, and the contracting community. These meetings are an effective way to capitalize on limited resources and to ensure that information regarding employment opportunities is disseminated.
- PennDOT BEO and District/Project Personnel are members of the Steering Committee for the SR 95-CP2 Cottman-Princeton Main Line & Ramps, FID# X065-319-L01E (CP2-I-95 Corridor), \$212,325,000 construction project(completion 10/05/2019), considered as a Mega Project in accordance with OFCCP guidelines. The steering committee, which is comprised of agencies that are responsible for monitoring federal contractors working on the project, assures adherence to the affirmative action and equal opportunity requirements. The committee has met throughout the year to assist Walsh Construction Company and their subcontractors with EO/EEO contract compliance.
- The BEO regional EO/EEO Field Agents have statewide responsibility to conduct project activity reviews (i.e. monitoring workforce diversity, OJT program project monitoring, etc...) to ensure compliance in accordance with state and federal regulations. There are two (2) EO/EEO Field Agent positions, one located in district 6.0 and one located in district 11.0.
- The BEO Staff participated in a Webinar regarding Paving the Way for Women in Construction. The webinar is one in a series of webinars exploring key policy and programs for, among other things, improving women's preparation for and access to good jobs, including non-traditional occupations. Paving the Way for Women in Construction focused on improving women's representation in the construction industry.
- The BEO staff participated in a Webinar regarding American FactFinder and Equal Employment Opportunity (EEP) Tabulation. The webinar highlighted how to use the new EEO tabulation for contract compliance data analysis.
- BEO is utilizing new data analysis formulas for contract compliance reports.
- An initiative was submitted to the State Transportation Innovation Council

(STIC). The initiative titled “Trainee Program for Construction Projects” is aimed at amending the Trainee Special Provisions for Construction Projects to allow contractors to provide the required training on various projects as opposed to just a single project. Other agencies/partners that would potentially be involved in deployment of the initiative include: APC; FHWA; Bureau of Project Delivery / District Office DLCCAs; Union and Non-union contractors; Craft Unions; and Community Based Organizations.

- The BEO OJT Program Administrator updated the PennDOT Brochure ( PUB 733) “Statewide On-The-Job Training Supportive Services Program. The new brochure provides information regarding the new OJT Supportive Services Consultant, Global Quality & Engineering Consulting (GQEC).

# **Areawide plans/Hometown and Imposed**

**IV. Areawide plans/Hometown and Imposed (if applicable).**

**A. Provide overall analysis of the effectiveness of each area wide plan in the State.**

Areawide plans mean Affirmative Action Plans and take the form of either a “Hometown” or an “Imposed” plan pursuant to Executive Order 11246. The U.S. Department of Labor is the only authority to determine compliance with EO 11246(*FHWA Order 4710.8 issued February 1, 1999*). The FHWA Form 1273 and the Special Provisions (23 CFR Part 230 Appendix A) are specific affirmative action requirements for project activities under contract established by section 22 of the Federal–Aid Highway Act of 1968.

**B. Indicate by job titles the number of State personnel involved in the collection, consolidation, preparation, copying, reviewing, analysis, and transmittal of area plans reports (Contracting activity and Post Contract Implementation) Estimate the amount of time (number of hours) spent collectively on this activity each month. How does the State use the plan report data?**

Not applicable see IV (A) above.

**C. Identify Office of Contract Compliance Programs (OFCCP) area plan audits or compliance checks in which State personnel participated during the past fiscal year.**

Not applicable, see IV (A) above.

**D. Describe the working relationship of State EEO compliance personnel with representative of plan administrative committee(s).**

Not applicable see IV (A) above.

**E. Provide recommendations for improving the areawide plan program and the reporting system.**

Not applicable see IV (A) above.

# **Contract Sanctions**

## **V. Contract sanctions.**

### **A. Describe the procedures used by the State to impose contract sanctions or institute legal proceedings.**

Sanctions for non-compliance include, but are not limited to; withholding payments, suspending the contract until compliance is obtained, terminating the contract, and/or damages.

The Pennsylvania Department of Transportation has included the following provision in Publication, 408/2008, Commonwealth of Pennsylvania Department of Transportation, Specifications:

Section 100 General Provisions, 107.25

All Federal-Aid projects are subject to the implementing rules and regulations of the various Federal departments. Accordingly, the contract provisions and the penalties prescribed for their violations, both of which are required to be incorporated verbatim in all contracts for such Federal-Aid projects, will be set forth in the proposal and the contract applicable to each project.

Sanctions will include placing firms in the “Commonwealth Contractor Responsibility Program (CCRP).” Authority for this is granted under Commonwealth Management Directive 215.9. In addition, the Department may also recommend suspension of the contractor’s prequalification status under Provision 457.13 of the Pennsylvania Code, Title 67.

The purpose of the CCRP is twofold: to ensure that the Commonwealth only contracts with responsible contractors, and to collect any outstanding obligations owed to it (identified through an offset review). The CCRP requires the contractor to certify, in writing, for itself and all its subcontractors that as of the date of its execution of any State contract, that neither the contractor, nor any subcontractors, nor any suppliers are under suspension or debarment by the State or any governmental entity, instrumentality, or authority. The contractor must also certify that as of the date of execution of any State contract, that it has no tax liabilities or other outstanding state obligations. Furthermore, the contractor must notify the contracting agency if, at any time during the term of the contract, it becomes delinquent in the payment of taxes, or other State obligations, or if it or any of its subcontractors are suspended or debarred by the State, the federal government, or any other state or governmental entity. Failure to notify the contracting agency could result in suspension, debarment, or termination of a contract.

Failure to carry out or perform all contract requirements, including compliance with all plans and specifications referenced therein, can place a contractor in this program.

In accordance with FHWA Form 1273(1)(3) “a breach of any of the stipulations contained in the Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting good faith efforts to supply records needed to determine compliance with EEO requirements in the contract, PennDOT may temporarily withhold monthly payments as a means of impressing upon the Contractor the necessity complying with record requests.”

**B. Indicate the State or Federal laws which are applicable.**

CONTRACT COMPLIANCE LAWS AND REGULATIONS	
<p>FHWA Form 1273 'Required Contract Provisions Federal-Aid Construction Contracts'</p>	<p>The provisions of Form FHWA-1273 generally apply to all Federal-aid highway construction projects, and must be physically incorporated into the construction contract, subcontracts and lower-tier subcontracts. A STA is not permitted to modify the provisions of Form FHWA-1273. However, a STA may develop a separate supplemental specification or special provision as long as the content does not conflict with Federal requirements or change the intent of the provisions of Form FHWA-1273. Regulations</p> <p><u>Title 23 C.F.R. 633.102</u> provides the FHWA's regulatory policy the required use and implementation of the Required Contract Provisions. See the discussion in the FHWA Contract Administration Core Curriculum Manual for current FHWA policy).</p>
<p>Executive Order 2006-02</p>	<p><b><u>Establishment of Contract Compliance Program</u></b> Commonwealth agencies shall establish, implement, and maintain contract compliance programs to ensure that Commonwealth contracts and grants are non-discriminating in three aspects:</p> <ul style="list-style-type: none"> <li><b>a.</b> Nondiscrimination in the Commonwealth's award of contracts and grants.</li> <li><b>b.</b> Nondiscrimination by those who are awarded Commonwealth contracts and grants in their award of subcontracts and supply contracts for the performance under Commonwealth contracts.</li> <li><b>c.</b> Nondiscrimination by those who are awarded Commonwealth contracts and grants in the hiring and treatment of their employees.</li> </ul> <p><b><u>Sanctions</u></b> <b>a.</b> Failure to comply with the provisions of the Commonwealth's contract compliance programs shall result in the imposition of sanctions.</p>

	<p><b>b.</b> For contractors or grantees receiving Commonwealth funds, sanctions may include, but shall not be limited to, termination of the contract, nonpayment, debarment, or referral to the Office of General Counsel for appropriate civil or criminal referral.</p>
Management Directive 215.16	<p>Establishes policy, responsibilities, and procedures for the CC Program</p> <ul style="list-style-type: none"> <li>-outlines responsibilities for each agency</li> <li>-compliance review procedures</li> <li>-agency contract awards</li> <li>-contractor notification</li> <li>-notice of noncompliance</li> <li>-sanctions/remedies</li> <li>-equal employment opportunity – detailed set of procedures to achieve</li> <li>-prompt and full utilization of protected categories at all levels</li> </ul>
Pennsylvania Code 4 - §68.61, §68.1, §1.511, §1.512, and §1.513	<p>Outlines sanctions and administrative recourse for dealing with contractors and grantees who are not complying with equal opportunity requirements</p>
Civil Rights Act of 1964	<p>Prohibits discrimination on the basis of race, color, religion, sex, or national origin, in any term, condition, or privilege of employment. The Act established the Equal Employment Opportunity Commission (EEOC) to administer <i>Title VII</i>, one section of this law.</p>
Civil Rights Act of 1964, Title VII,	<p>Although <i>Title VII</i> does not explicitly require affirmative action, when there is a finding of discrimination, the Equal Employment Opportunity Commission is guided by remedies outlined by federal courts which include numerical hiring and promotion objectives when necessary.</p>
Civil Rights Act of 1991	<p>The Act allows compensatory and punitive damages for victims of intentional discrimination based on sex, religion, or disability and allows for jury trials. It prohibits employers from adjusting or using different standards for evaluating the results of tests based on race, religion, sex, or national origin. The employer must prove “business necessity” or adopt less discriminatory practices, if available, to avoid liability for disparate impact discrimination.</p>
Equal Employment Opportunity Act of 1972	<p>An amendment to the <i>Civil Rights Act of 1964</i> which barred discrimination on the basis of sex, strengthened the powers of the EEOC, and</p>

	<p>expanded the EEOC's jurisdiction for enforcement of <i>Title VII</i>.</p> <p>EEOC's jurisdiction was expanded to cover:</p> <ol style="list-style-type: none"> <li>1. All private employers of 15 or more persons.</li> <li>2. All educational institutions, public and private.</li> <li>3. State and local governments.</li> <li>4. Public and private employment agencies.</li> <li>5. Labor unions with 15 or more members.</li> <li>6. Joint labor-management committees for apprenticeship and training.</li> </ol>
Equal Pay Act of 1963	The Act requires all employers subject to the <i>Fair Labor Standards Act</i> to provide equal pay for men and women performing similar work, including executive, administrative, and professional employees.
Pennsylvania Human Relations Act of October 17, 1955, as amended	Prohibits certain practices of discrimination because of race, color, religious creed, ancestry, handicap or disability, age, sex, or national origin by employers, employment agencies, labor organizations, and others as herein defined; creating the Pennsylvania Human Relations Commission in the Governor's Office; defining its functions, powers and duties, providing for procedure and enforcement; providing for the formulation of educational programs to prevent prejudice; providing for judicial review and enforcement and imposing penalties.
Executive Order 11246 Government Contract Compliance	The Executive Order prohibits federal contractors and federally-assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin. The Executive Order also requires Government contractors to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment. Additionally, Executive Order 11246 prohibits federal contractors and subcontractors from, under certain circumstances, taking adverse employment actions against applicants and employees for asking about, discussing, or sharing information about their pay or the pay of their co-workers.

**C. Does the State withhold a contractor's progress payment for failure to comply with EEO requirements? If so, identify contractors involved in such actions during the past fiscal year. If not, identify other actions taken.**

No payments were withheld during 2015.

# Complaints

## **VI. Complaints.**

### **A. Describe the State's procedure for handling discrimination complaints against contractors.**

#### **Complaint Process**

Complaints involving employees of contractors and subcontractors are considered external complaints. An employee who believes he/she has been discriminated against may file a complaint under the contractor's complaint procedure. The employee also has the option of utilizing "Other Avenues of Recourse", such as The Pennsylvania Human Relations Commission (PHRC) and The U.S. Equal Opportunity Commission (EEOC). Contractors are required to post notices for employees, applicants for employment and potential employees regarding the complaint process. Contractors must notify PennDOT of complaints.

#### **Current Procedure**

The contractor/subcontractor is required to investigate complaints and notify BEO of the outcome of the investigation. BEO will determine if a thorough investigation was conducted and if the contractor/subcontractor fulfilled its contractual obligations to PennDOT regarding EO/EEO. BEO will provide oversight of the process but will not conduct a separate investigation. BEO will notify FHWA regarding the outcome of the investigation.

#### **Prior Procedure**

In the past, if the complaint could not be resolved at the contractor level, the complainant or respondent (contractor) could make a request for the Bureau of Equal Opportunity (BEO) to investigate the complaint. The BEO would then conduct an investigation and make recommendations to both parties. The BEO conducts investigations pursuant to Management Directive, 410.10, Guidelines for Investigating and Resolving Internal Discrimination Complaints.

- Upon receipt of a complaint, the BEO will provide the complainant with a written acknowledgement which states the date when the complaint was received and that an investigation will be initiated promptly.
- The complaint is assigned a docket number.
- The BEO will consult with PennDOT's Office of Chief Counsel to determine jurisdiction, acceptability of the complaint, and whether there is a need for additional information before initiating an investigation.
- The Investigator will develop and maintain an investigative file. The file contains the following information:

1. Complaint
  2. Investigative log/chronology of events
  3. Acknowledgement of complaint
  4. Investigative Plan
  5. Correspondence
  6. Witness statements
  7. All documents/documentary evidence related to the investigation
- The Investigator will develop an investigative plan that will be submitted for approval to PennDOT's Office of Chief Counsel. The investigative plan will serve as a road map for the investigation. The plan should be tailored to the complaint allegations and will outline all of the major steps of the investigation. The plan contains the following information:
    1. A complete list of the complainant's allegations.
    2. A preliminary list of the persons to be interviewed, including the complainant, the alleged offender (s) and all witnesses.
    3. A preliminary list of questions for all persons.
    4. A preliminary list of documents to be reviewed

The Investigative Plan may be modified as the investigation progresses.

- The BEO will conduct interviews with the complainant, the alleged offender and witnesses and develop interview statements that will be signed and dated by the interviewee.
- The Investigator will maintain an Investigation Chronology. The Chronology includes information regarding work being done on the complaint, correspondence, interviews, etc.
- After the Investigation is completed, the investigator will develop an Investigative Report. The Investigative Report sets forth all of the relevant facts obtained during the investigation and includes a finding for each allegation/issue raised by the complainant. The report will contain the following information:
  1. A list of the complainant's allegations.
  2. The alleged offender's response to the allegations.
  3. Witness responses to allegations.
  4. A copy of Commonwealth policy (s) applicable to the complaint.
  5. Findings of fact (findings regarding each allegation/issue).
  6. Investigative log/chronology of events.
- The BEO will consult with PennDOT's Office of Chief Counsel regarding the Investigative Report.
- The Office of Chief Counsel along with Human Resources makes the final determination regarding the complaint.
- The BEO will notify the parties of the outcome of the investigation. The notification also advises the complainant of his/her rights regarding appeals.
- The BEO notifies FHWA regarding the outcome of the investigation.

**Addresses for Avenues of Recourse  
(External Complaints)**

<p style="text-align: center;"><b>PENNSYLVANIA HUMAN RELATIONS COMMISSION (PHRC)</b> Internet Address: <a href="http://www.phrc.state.pa.us">www.phrc.state.pa.us</a></p>	<p style="text-align: center;"><b>THE US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)</b> Internet Address: <a href="http://www.eeoc.gov">www.eeoc.gov</a></p>
<p>Philadelphia Regional Office 110 North 8<sup>th</sup> Street, Suite 501 Philadelphia, PA 19107 Phone Voice: (215) 560-2496 TTY: (215) 560-3599</p>	<p>EEOC Philadelphia Office 801 Market Street, Suite 1300 Philadelphia, PA 19107 Phone Voice: (215) 440-2600 TTY: (215) 440-2610</p>
<p>Pittsburgh Regional Office 301 Fifth Avenue Suite 390, Piatt Place Pittsburgh, PA 15222 Phone Voice: (412) 565-5395 TTY: (412) 565-5711</p>	<p>EEOC Pittsburgh Office William S. Moorhead Federal Building 1000 Liberty Avenue, Suite 1112 Pittsburgh, PA 15222 Phone Voice: (412) 395-5902 TTY: (412) 395-5904</p>
<p>Harrisburg Regional Office 333 Market Street - 8th Floor Harrisburg, PA 17101 Phone Voice: (717) 787-9780 TTY: (717) 787-7279</p>	<p style="text-align: center;"><b>PENNSYLVANIA OFFICE OF GENERAL COUNSEL (OGC)</b> Internet Address: <a href="http://www.ogc.state.pa.us">www.ogc.state.pa.us</a></p>

## **COMPLAINTS FILED**

One (1) discrimination complaint filed during the period of January 1, 2013 – December 31, 2013:

Mr. Evens Prophete, (Docket #535)  
SR 0000, (BRP) (RATS Br Preservation 2), ECMS 96028, FED X051-336-  
LY6A, Berks County, District 5-0.  
Alleges discrimination based on race (Black) and harassment in connection  
with his discharge.  
Date Filed: 8/14/13  
**Status:** Closed

**C. If complaints are referred to a State fair employment agency or similar agency, describe the referral procedure.**

The State of Pennsylvania does not have a fair employment agency.

**D. Identify the Federal-aid highway contractors that have had discrimination complaints filed against them during the past fiscal year and provide current status.**

None.

**External training  
programs, including  
supportive services**

## **VII. External Training Programs (Including Supportive Services).**

### **A. Describe the State's process for reviewing the work classifications of trainees to determine that there is a proper and reasonable distribution among appropriate craft.**

In accordance with the Training Special Provisions as outlined in Appendix B of 23 CFR, 230A, the Department of Transportation has developed Training Special Provisions that are incorporated in selected federally funded projects (**Exhibit L**).

#### **A. Identification of Projects for Inclusion of Training Special Provisions**

1. The Bureau of Project Delivery in coordination with District Construction and Design personnel, and the OJT Program Administrator, determines which construction projects can support training slots.
2. Before each construction season, the Bureau of Project Delivery in coordination with District Construction and Design personnel, and the OJT Program Administrator, identifies potential availability of work under contract, the duration of the work (to ensure adequate time for completion of training), and the potential long-term benefits to trainees. Assignment of training slots to specific projects is based on the following: The availability of minorities, women and disadvantage individuals
  - The potential for effective training
  - The duration of the contract
  - The dollar value of the contract
  - The total normal work force the average bidder is expected to use
  - The geographic location
  - The type of work
  - The need for additional journeymen in the area
  - The total trainees established and trainee goal submitted to FHWA
  - The ration of journeymen to trainees during normal operations

#### **B. OJT Procedures POM (Exhibit M)**

1. Contract provisions require that contractors submit a training program within ten (10) calendar days following the project's notice to proceed (**Exhibit N**).
2. Contract provisions require that contractors submit name, Social Security Number, classification, rate of pay, ethnicity and sex of proposed trainees prior to starting training (**Exhibit N**).

3. Contractors may utilize OJT programs from PennDOT's OJT Training Manual, develop their own, or utilize a training program approved by the U. S. Department of Labor, Office of Apprenticeship.
4. Contract provisions require that contractors submit a monthly training report (**Exhibit N**) which is comprised of the following:
  - Training hours per month, hours to date and hours remaining
  - Summary of specific tasks performed
  - Evaluation of trainee
  - Termination (include date)
  - Lay-off date and anticipated recall date
  - Signatures: Contractor, Trainee and PennDOT

**B. Describe the State's procedures for identifying the number of minorities and women who have completed training programs.**

The procedures that are being followed require that the person(s) assigned the OJT responsibility in the eleven districts will submit a monthly report to the OJT Administrator. The report includes identifying persons selected by the contractor to participate in their contracted OJT training program. At the end of the year, each district submits an annual report that provides data to show how many women, minorities, and others that have successfully completed the OJT training program. Certificates are given to the trainees at the conclusion of their training.

**C. Describe the extent of participation by women in construction training programs.**

OJT STATUS REPORT

In accordance with 23 CFR § 230.111 (b), "Implementation of Special Requirements for the Provision of On-The-Job Training," the Pennsylvania Department of Transportation provides this summary of accomplishment for calendar year CY2015. The 2015 Federal-Aid "OJT" Goal Was Set At 135

## Federal-Aid Projects Let in CY 2015:

PROJECTS LET CY2015	ASSIGNED TRAINING SPECIAL PROVISIONS # OF TRAINEES
A total of <b>81</b> Federal –Aid projects were let in CY 2015 with a dollar value of \$3 million or more. The projects were identified with the potential to support effective and meaningful On-the-Job training.	A total of <b>142</b> Trainee Slots were assigned to PennDOT Federal-Aid Projects let in CY 2015 with a dollar value of \$ 3 million or more.

PennDOT exceeded the CY 2015 OJT goal to place 135 trainee slots on Federal Aid Projects Let with a dollar value of \$3 million or more.

### CY2015 Trainee Demographics A Total of 111 Trainees Were Enrolled For Training In CY2015:

Total Trainees:	111	Percentage of Total Trainees	
Total Women:	41	% Women	36.9 %
Total Males:	70	% Males	63.1 %
<b>Total Minority:</b>	<b>77</b>	<b>Minority:</b>	<b>69.4 %</b>
Minority Women:	8	% Minority Women	7.2 %
Minority Males:	69	% Minority Males	62.2 %
<b>Total Non-Minority:</b>	<b>34</b>	<b>Non-Minority</b>	<b>30.6 %</b>
Non-Minority Women:	33	% Non-Minority Women:	29.7 %
Non-Minority Males:	1	% Non-Minority Males:	0.9 %

**\* The 111 Trainees include trainees that are considered “Carry-overs”. Carry-overs are those trainees that may have been enrolled for training within the past two (2) years on projects that were let in years other than CY 2015.**

**OJT Trainees**  
**2015 Year End Statistics**

**46 Trainees were Carried Over<sup>3</sup> in CY 2015**

- A total of 16 women
  - Four (4) minority women
  - 12 non-minority women
- A total of 30 males
  - 30 minority males
  - Zero (0) non-minority males

**98 Trainees Graduated (Successfully Completed) in CY 2015**

- A total of 36 women.
  - Four (4) minority women.
  - 32 non-minority women.
- A total of 62 minority males.
  - One (1) non-minority male.

**19 Trainees Quit, Resigned**

- A total of ten (10) women.
  - One (1) minority women.
  - Nine (9) non-minority women.
- A total of nine (9) males.
  - Nine (9) minority males.
  - Zero (0) non-minority males.

**7 Trainees Terminated**

- A total of 1 woman.
  - One (1) minority women
  - Zero (0) non-minority women
- Six (6) males.
  - Six (6) minority males.
  - Zero (0) non-minority males.

**5 Trainees Laid-Off**

- A total of two (2) woman.
  - Zero (0) minority women.
  - Two (2) Non-minority women.
- A total of three (3) males
  - Three (3) minority males.
  - Zero (0) non-minority males

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<sup>3</sup> Carried Over trainees are those trainees that may have been enrolled for training within the past two (2) years on projects that were let in years other than CY2015. At this time, the OJT Supportive Services Consultant, Global Quality & Engineering Consulting (GQEC) is not set up to provide the breakdown of the apprentices versus the non-union trainees that were enrolled in 2015. This information will be available for future reporting.

**E. Describe the efforts made by the State to locate and use the services of qualified minority and female supportive service consultants. Indicate if the State's supportive service contractor is a minority or female owned enterprise.**

OJT Statewide Supportive Service

PennDOT utilizes a consultant to provide the federally obligated on-the-job training supportive services. One Hundred Percent (100%) of the contract is State funded. As of July of 2014, Global Quality & Engineering Consulting (GQEC) was awarded the contract to provide on-the-job training supportive services (OJT/SS).

Global Quality & Engineering Consulting (GQEC) is a minority female-owned enterprise.

The consultant's field representatives visit with ALL active trainees on construction projects throughout the state. It is a requirement that all trainees are counseled each month. An OJT/SS field counselor conducts orientation and monthly interviews in addition to close out interviews at the completion of training. Monthly and quarterly reports are submitted by GQEC identifying minorities, women and disadvantaged individuals who have been enrolled for on-the-job training and have successfully completed training during the reporting period. The reports also identify the trainees who were laid off, resigned, or were terminated.

The OJT SS field counselors will also maintain contact with project personnel in order to develop an evaluation of the trainee's performance and progress throughout the on-the-job training period and to be available to assist in addressing issues and/or concerns regarding the training. If the Prime is signatory to the union, the OJT SS field counselor will act as a liaison with the union in an effort to ensure that apprentices that meet the program criteria are being referred.

The OJT SS consultant can assist contractors with OJT tasks, including, but not limited to, the following:

- Trainee Referrals
- Trainee Record Keeping
- Trainee Performance Issues
- Union Liaison
- EO-363, EO-364 & EO-365 Submission Requirements

The OJT/SS Consultant is tasked with conducting up to 15 Outreach events on behalf of PennDOT. A major objective of PennDOT's outreach is to market the career opportunities that exist in the highway construction industry to women of color. Surveys indicate that women of color are the most under-represented group in highway construction industry.

- Emphasis is being placed on marketing various highway construction industry career opportunities to women, minorities and economically disadvantaged job seekers. The outreach events highlight PennDOT's On-The-Job (OJT) Training program. The primary objective of the OJT program is to train and/or upgrade women and minorities into higher paying skilled trades and transportation related careers.

Outreach events that were held in 2015:

1. The first Outreach event was held at the Capital Region PA CareerLink site located in Harrisburg on January 27, 2015. Lori Rank is the site administrator.
2. The second Outreach event was held on February 23, 2015 at the Luzerne County PA CareerLink, which is located in Wilkes-Barre. Christine Jensen is the site administrator.
3. The third Outreach event was held on February 24, 2015 at the Chester County PA CareerLink, which is located in Exton. Butch Urban is the site administrator.
4. The fourth Outreach event was held on February 24, 2015 at the Lehigh County PA CareerLink site, which is located in Allentown. John Haupt is the site administrator.
5. A fifth Outreach event was held on Wednesday, February 25, 2015. The outreach was held in conjunction with an Apprentice Information Fair that was sponsored by the Joseph B. Fay Company (contact was Arleen Dacey). The event was held at the Somerset County Technology Center. Jeff Dick is the site administrator for the Somerset and Cambria County PA CareerLink sites. Representatives from the following organizations were in attendance:
  - Local Unions
    - Carpenters/Pile Drivers, Cement Masons, Laborers, Operating Engineers, and Teamsters.
  - Joseph B. Fay Company
    - The Prime contractor on the US 219 Highway Construction projects Phases 1 and 2.
  - Constructors Association of Western PA (CAWP)
    - Jason Koss introduced a Future Road Builders pre-apprentice virtual game that exposes the "players" to real-world highway construction

projects. Successful players receive completion certificates which could lead to career opportunities with the following:

- Western Carpenters Joint Apprenticeship and Training Committee (JATC);
- Western PA Laborers JATC;
- Western PA Operating Engineers JATC.

6. A sixth Outreach event was held on March 5, 2015 at the Cambria County PA CareerLink site which is located in Johnstown. Jeff Dick is the site administrator.
7. A seventh Outreach event was held on March 19, 2015 at the Spring Garden PA CareerLink site, which is located in North Philadelphia. Nicki Woods is the site administrator.
8. An eighth Outreach event was held on March 19, 2015 at the Delaware County PA CareerLink site, which is located in Chester. Marybeth Ferguson is the site administrator.
9. A ninth Outreach event was held on April 14, 2015 at the Pittsburgh/Allegheny County PA CareerLink which is located in downtown Pittsburgh. Eric Pferdekamper is the site administrator.
10. A tenth Outreach event was held on April 14, 2015 at the PA CareerLink-Alle-Kiski (which serves Westmoreland, Armstrong and Allegheny Counties) it is located in New Kensington. Richard O'Domes is the site administrator. Trumbull representative Jennifer Howe and other HR representatives attended and met jobseekers to discuss the job opportunities they are looking to fill.
11. An eleventh Outreach event was held on April 27, 2015 at the Lancaster County PA CareerLink, which is located in Lancaster. Hoyt Craver is the site administrator.
12. A twelfth Outreach event was held on April 27, 2015 at the Lebanon PA CareerLink, which is located in Lebanon. The CareerLink site is located near the Veterans Administration Hospital and the Indiantown Gap military reservation. Martin Wubbolt is the site administrator.
13. A thirteenth Outreach event was held on May 13, 2015 at the Mon Valley PA CareerLink, which is located in Donora. Patricia Brickner is the site administrator.
14. A fourteenth Outreach event was held on May 13, 2015 at the PA CareerLink Butler County, which is located in Butler. John Pileggi is the site Program Supervisor .
15. A fifteenth Outreach event was held on June 25, 2015 at the PA CareerLink York County, which is located in York. Sam Marte is the site administrator.

16. A sixteenth Outreach event was held on October 14, 2015 in coordination with a Job Fair that the Northumberland, Snyder and Union County PA CareerLinks held in Lewisburg. Stacie Snyder is the site administrator.
  - Jennifer Howe, with the Trumbull Corporation, attended the Job Fair to recruit for candidates to work on their PennDOT Highway Construction project that is located in Union County. Trumbull also plans to recruit for program eligible apprentices from the Unions that cover Northumberland, Snyder and Union Counties. Union representatives were also invited to participate at the event.
17. A seventeenth Outreach event was held on October 20, 2015 in coordination with the Somerset PA CareerLink and the NAACP in Johnstown. Contacts were Alan Cashaw, NAACP President and Jeff Dick the Somerset PA CareerLink site administrator.
18. An eighteenth Outreach event was held on October 22, 2015 at the Montgomery County PA CareerLink which is located in Norristown. Patricia Drummond is the site contact.
19. A nineteenth Outreach event was held on October 22, 2015 at the Philadelphia County PA CareerLink site which is located in Spring Garden Street location in Philadelphia. Joseph West is the site administrator.
20. A twentieth Outreach event was held on October 28, 2015 at the Berks County Job Fair, Designer's Place, VF Outlet Complex, Wyomissing with the Berks County PA CareerLink. Pat Adamczyk is the site administrator.
21. A twenty-first Outreach event was held on November 9, 2015 at the Indiana PACareerLink site which is located in Indiana. Kevin Lazor is the site administrator. The event was marketed the event to 90 + organizations (unions, schools, employers, and contractors) and other PA CareerLink sites located in the Indiana County area. The event was also listed on the CareerLink Job Gateway system events calendar. Both Jill Creevey the HR representative from the Swank Construction Company and Jay Johnson from the Carpenters' Joint Apprenticeship & Training Committee of Greater PA spoke to the jobseekers.
22. A twenty- second Outreach event was held on December 9, 2015 in coordination with the Constructors Association of Western PA's (CAWP) Union Apprenticeship Information Fair which was held at the Energy Innovation Center located in Pittsburgh. Jason Koss, CAWP's Director of Industry Relations coordinated the event.
  - The Outreach events are being marketed on the Associated Pennsylvania Constructors (APC) bulletin board in an effort to encourage heavy & highway construction contractors to attend the outreach events and/or to

utilize the PA CareerLink system to conduct their good faith effort recruitments to satisfy their employment needs and to assist them in diversifying their workforce.

- Women, minorities and economically disadvantaged job seekers are being encouraged to register with the PA CareerLink system in an effort to ensure that their resume information will be available to contractors that are recruiting for qualified and/or qualifiable candidates to meet their recruitment needs.
- Prime Contractors that can be identified as having projects located within a reasonable travel distance of a PA CareerLink where an Outreach event is scheduled to be held, are being invited to participate at the Outreach events.

Some of the services that are offered by PA CareerLinks:

- A rapid response team that coordinates services for dislocated workers;
- Veterans' representatives who work with recently separated veterans to assist them in locating new career opportunities, enrichment training, etc.;
- Representatives from the Office of Vocational Rehabilitation who provide vocational rehabilitation services to help persons with disabilities prepare for, obtain, or maintain employment.
- Information on the Federal Bonding Program (FBP) & the Work Opportunity Tax Credit (WOTC)
  - Federal Bonding Program - in 1966 the U.S. Department of Labor established The Federal Bonding Program to provide Fidelity Bonds that guarantee honesty for "at-risk", hard-to-place job seekers. The bonds cover the first six months of employment. There is no cost to the job applicant or the employer.
  - The Tax Increase Prevention Act of 2014 extends the WOTC for qualified veterans hired before January 1, 2015. The Tax Prevention Act of 2014 also extends the WOTC for targeted group members, other than qualified veterans, hired after December 31, 2011, and before January 1, 2015.
- The Ex-offender Support Coalition, Inc. (CRESC) that coordinate services that assist ex-offenders with successful re-entry which promotes public safety.

Periodically, focus groups are held to evaluate the current process and to solicit input from the Department's business partners. The feedback is useful in reviewing results and redefining, where necessary, the scope of work prior to the next construction season.

The OJT Program Administrator is responsible for the development, oversight, and monitoring of the Supportive Services contract.

Outreach events anticipated to be held in CY 2016:

1. Outreach events have not been committed to be held in 2016 as a result of travel restrictions vis-à-vis the state budget impasse.
2. It is anticipated that OJT/SS will hold an Outreach event at the Pike County PA CareerLink which is located in Shohola, in CY 2016. It has been identified that James J. Morrissey was awarded a project that was assigned eight (8) trainee slots in Pike County. Cindy Defebo, the site contact, has been given the contact information for the following:
  - James J. Morrissey
  - The NAACP
  - Various heavy & highway construction unions that cover the Pike County area
3. It is anticipated that OJT/SS will hold an Outreach event at the Luzerne County PA CareerLink site which is located in Hazelton, in CY 2016. Christine Jensen is the site contact.
4. It is anticipated that OJT/SS will hold an Outreach event at the Northampton/Lehigh Valley PA CareerLink, which is located in Allentown. Gina Kormanik, the Lehigh Valley Workforce Investment Board's Director of Business Development is the site contact.
5. It is anticipated that OJT/SS will hold an Outreach event at the Bucks County PA CareerLink which is located in Bristol. Elizabeth Walsh, the Bucks County Workforce Development Board's Executive Director is the site contact.
6. It is anticipated that OJT/SS will hold an Outreach event at the Delaware PA CareerLink which is located in Chester. Butch Urban is the site administrator.
7. It is anticipated that OJT/SS will hold an Outreach event at the Lehigh County PA CareerLink which is located in Chester. John Haupt is the site administrator.
8. It is anticipated that OJT/SS will hold an Outreach event at the Dauphin County PA CareerLink which is located in Harrisburg. Lori Rank is the site administrator.
9. It is anticipated that OJT/SS will hold an Outreach event at the Philadelphia PA CareerLink which is located at the Spring Garden Street in Philadelphia. Nikki Woods is the site administrator.
10. It is anticipated that OJT/SS will hold an Outreach event at the Pittsburgh PA at a location to be determined.

11. OJT/SS and the OJT Program Administrator have identified other possible CareerLink sites to hold Outreach events in CY 2016-2017:

- The Chester County PA CareerLink site;
- The Crawford County PA CareerLink site;
- The Beaver County PA CareerLink site;
- The Mercer County PA CareerLink site;
- The Jefferson County PA CareerLink;
- The Bedford County PA CareerLink;
- The Lawrence County PA CareerLink site;
- The Forrest County PA CareerLink site;
- The Washington County PA CareerLink.

**E. Describe the extent to which reports from the supportive contractors provide sufficient data to evaluate the status of training programs with particular reference to minorities and women.**

In accordance, with 23 CFR, Part 230, Subpart A, paragraph 230.113 (f) (5) & (6) Supportive Service Contractors are required to provide monthly and quarterly reports to the State Agency that comprise sufficient statistical data and narrative content to enable evaluation on both progress and problems within the program. Supportive Service Contractors are also required to conduct a follow up review on the employment status of on-the-job training program graduates at ninety, one hundred-eighty and three hundred and sixty-five days subsequent to the effective date of their contract.

The PennDOT Supportive Services program's primary purpose is designed to increase the effectiveness of approved on-the-job training programs, particularly their effectiveness in providing meaningful training opportunities for minorities, women and the disadvantaged on Federal-aid highway projects. PennDOT uses the data contained in the monthly and quarterly reports to identify and correct areas of concern within a prompt timeframe and to insert new ideas into the implementation of the PennDOT Supportive Service Program. PennDOT will continue to utilize the monthly and quarterly progress reports submitted by the contractors to evaluate the status of training programs, with particular reference to minorities and women.

# **Disadvantaged Business Enterprise (DBE) Program**

## **VIII. Disadvantaged Business Enterprise (DBE) Program**

The Pennsylvania Department of Transportation's DBE Program is carried out under the rules and guidelines in the Code of Federal Regulations, Title 49, Part 26.

The Contract Compliance Division monitors DBE participation on federally funded projects. Project reviews concentrate on the efforts made by the prime and subcontractors to solicit DBEs for subcontracting, scheduling concerns, payment issues, etc.

A DBE must perform a commercially useful function (CUF). A DBE performs a CUF when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a CUF, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable) and paying for the material itself. Failure of a DBE to perform a CUF will result in the reduction in the amount of credit a prime contractor receives toward the DBE goal. The EO-354 (DBE CUF Report) form must be completed when a DBE is utilized on a project. The BEO monitors contractor compliance with CUF requirements throughout the life of a project. The EO-354 form is reviewed for completeness and adherence to federal regulations.

Sanctions for non-compliance include, withholding payments, suspending the contract until compliance is obtained, terminating the contract, and/or damages.

PennDOT is a member of the Pennsylvania Unified Certification Program (PA UCP). The PA UCP provides "one-stop shopping" for firms seeking certification in accordance with 49 CFR Part 26 and Airport Concession Disadvantaged Business Enterprises (ACDBE) in accordance with 49 CFR Part 23. The PA UCP makes certification decisions on behalf of all agencies and organizations in the Commonwealth with respect to participation in the DBE and ACDBE Programs. Other certifying participants of the PA UCP include: Allegheny County Department of MBE/WBE/DBE, the Port Authority of Allegheny County, the Southeastern Pennsylvania Transportation Authority, and the City of Philadelphia. Firms certified as a DBE or ACDBE with the PA UCP are eligible to participate on any Federal Aviation, Highway, and Transit funded contracts/grants as a Disadvantaged Business Enterprise or Airport Concession Disadvantaged Business Enterprise. DBE certification does not expire. Firms are removed from the program in accordance with ineligibility removal procedures outlined under 49 CFR Part 26.87.

Section VIII, Minority Business Enterprise Program, will be addressed within the formal DBE Plan submission.

FHPM 6-4-1-8 sets forth the FHWA policy regarding the minority business enterprise program. The implementation of this program should be explained by responding to the following:

**A. Describe the method used for the listing of minority contractors capable of, or interested in, highway construction contracting or subcontracting. Describe the process used to circulate names of appropriate minority firms and associates to contractors obtaining contract proposals.**

In accordance with 49 Code of Federal Regulations (CFR), Part 26 PennDOT has established a Disadvantaged Business Enterprise Program (DBE).

Refer to the Disadvantaged Business Enterprise (DBE) Program Document

**B. Describe the State's procedure for insuring that contractors take action to affirmatively solicit the interest, capability, and prices of potential minority subcontractors.**

Refer to the Disadvantaged Business Enterprise (DBE) Program Document

**C. Describe the State's procedure for insuring that contractors have designated liaison officers to administer the minority business enterprise program in an effective manner. Specify resource material, including contracts, which the State provides to liaison officers.**

Refer to the Disadvantaged Business Enterprise (DBE) Program Document

**D. Describe the action the State has taken to meet its goals for prequalification or licensing of minority business. Include dollar goals established for the year, and describe what criteria or formula the State has adopted for setting such goals. If it is different from the previous year, describe in detail.**

Refer to the Disadvantaged Business Enterprise (DBE) Program Document

**E. Outline the State's procedure for evaluating its prequalification/licensing requirements.**

Refer to the Disadvantaged Business Enterprise (DBE) Program Document

**F. Identify instances where the State has waived prequalification for subcontractors on Federal-aid construction work or for prime contractors on Federal-aid contracts with an estimated dollar value lower than \$100,000.**

Refer to the Disadvantaged Business Enterprise (DBE) Program Document

**G. Describe the State's methods of monitoring the progress and results of its minority business enterprise efforts.**

Refer to the Disadvantaged Business Enterprise (DBE) Program Document

# **Liaison**

## **IX. Liaison**

**Describe the liaison established by the State between public (State, county and municipal) agencies and private organizations involved in EEO programs. How is the liaison maintained on a continuous basis?**

The Department, through the Bureau of Equal Opportunity (BEO), has developed ongoing dialogue with the following organizations involved in minority and women recruitment:

1. USDOL/OFCCP
2. NAACP
3. Urban League
4. PA CareerLink, Pennsylvania Department of Labor and Industry
5. Construction Contractors Associations
6. Community Action Centers
7. Various Women's Organizations
  - a. National Organization for Women (NOW)
  - b. YWCA
  - c. Association of Business and Professional Women in Construction, etc.
  - d. Trade Women of Philadelphia/Women in Non- Traditional Work, Inc. (TOPWIN)
8. Technical and Vocational Schools (large minority enrollment)
9. Hispanic Community Centers
10. Cheyney University
11. Lincoln University
12. American Institute for Transportation and Business Development
13. Coalition of Minority Contractors (COMC)
14. Conference of Minority Transportation Officials (COMTO)
15. Central Regional Purchasing Council
16. New Penn-Del Minority Purchasing Council
17. Pittsburgh Regional Purchasing Council
18. Business Resource Center (Philadelphia and Pittsburgh)
19. United States Minority Business Development Agency (Philadelphia and Pittsburgh)
20. Local and Minority Chamber of Commerce Organizations
21. Youth Places
22. School District of Philadelphia
23. Tomorrow's Promise
24. Associated Builders & Contractors, Inc.
25. Small Business Administration, Philadelphia District Office
26. National Association of Minority Contractors, Philadelphia Chapter
27. Philadelphia Academies
28. ABO Haven, Inc.
29. Lighthouse

- BEO educated contractors/subcontractors regarding the role of BEO in assisting with meeting contract compliance obligations and on equal opportunity compliance procedures.
- BEO participated in successful community based initiatives to bring more minorities and women into the highway construction industry.
- BEO held regular meetings and teleconferences with representatives from USDOL/OFCCP and FHWA. The purpose of these meetings is/was to focus on ways to increase minority and women representation within the highway construction industry through education, effective monitoring practices and relationships with industry partners. The objective is/was to increase communication between local trade unions, community based organizations, and the contracting community.
- BEO is utilizing new data analysis formulas for contract compliance reports.
- An initiative was submitted to the State Transportation Innovation Council (STIC). The initiative titled “Trainee Program for Construction Projects” is aimed at amending the Trainee Special Provisions for Construction Projects to allow contractors to provide the required training on various projects as opposed to just a single project. Other agencies/partners that would potentially be involved in deployment of the initiative include: APC; FHWA; Bureau of Project Delivery / District Office DLCCAs; Union and Non-union contractors; Craft Unions; and Community Based Organizations.
- The BEO OJT Program Administrator updated the PennDOT Brochure (PUB 733) “Statewide On-The-Job Training Supportive Services Program. The new brochure provides information regarding the new OJT Supportive Services Consultant, Global Quality & Engineering Consulting (GQEC).

# **Innovative Programs**

## **X. Innovative Programs.**

**Identify any innovative EEO program or management procedure initiated by the State and not previously covered.**

- Develop an automated database for processing FHWA form 1391 and form 1392
- Utilize the American Association of State Highway and Transportation Officials (AASHTO) and the Transportation Research Board (TRB) studies to look at the complement and resources utilized by similar sized states to manage their EO/EEO Programs.
- Develop an updated PA UCP database and website to meet the needs of the PA UCP.
- Explore a partnership with DCED regarding developing a supplement to “The Entrepreneur’s Guide to Starting and Growing a Business in Pennsylvania” (February 2015) that is aimed at the construction industry.
- Partner with other Commonwealth agencies to leverage resources and minimize duplication of effort.
- In response to FHWA’s Notice of Funding Availability (NOFA) for a Pilot On-the-Job Training Supportive Services (OJT/SS) Program through the Ladders of Opportunity Initiative in the amount of \$3 million, on December 22, 2015, PennDOT’s Bureau of Equal Opportunity (BEO) on behalf of the Transportation Quality Initiative (TQI) Workforce Development Subcommittee, submitted an application in collaboration with key strategic partners to secure \$498,437.00 in funding to develop an online highway construction pre-apprenticeship program.
- State Transportation Innovation Council (STIC) - Amend the Department’s On-the-Job Training program to allow contractors to complete the required trainee hours on more than one project as opposed to being required to complete the required trainee hours on a single project.
- Provide assistance to the Advisory Council on Diversity, Inclusion, and Small Business Opportunities to ensure that provisions for diversity, inclusion and small business opportunities in PennDOT contracting opportunities are consistent with statewide program requirements to the extent permitted by the United States Constitution, Pennsylvania Constitution, and other state and federal law.

**Exhibit A**  
**Notification Letters**



Date

**Sample Project Notification Letter**

Mr/s./Title  
Company Name  
Address  
Address

Dear:

Based on established criteria, the Bureau of Equal Opportunity (BEO) has selected the following project for an in-depth equal opportunity contract compliance review:

Project: S.R./Section: xxx (xxx) ECMS: xxxxxx FPN: xxxx-xxx-xxxx (xxxxxxxxxx County)

The project review will be conducted in accordance with Title 23 CFR 200, 230, & 633; 49 CFR Part 26; the Civil Rights Act of 1964, as amended; and your signed contract with the Pennsylvania Department of Transportation. Mr/s. xxxxxxxxxxxx, Equal Opportunity Specialist, will conduct the review on xxxxxxxxxxxx beginning at xxxxxxxx A.M. Please be advised that this review may take several days to complete.

The purpose of the project review is to examine prime and subcontractor personnel policies, recruitment practices, minority and female workforce composition, and company efforts in fulfilling contractual obligations regarding equal opportunity and equal employment opportunity. The review will **only** involve the aforementioned project.

It is imperative that your company EEO Officer be present at the time of the review. Arrangements must be made to provide privacy for conducting interviews with employees and supervisors. To minimize the time needed to conduct the review, it is essential that the attached 'Compliance Review Report' and the 'Compliance Review Questionnaire Appendix' be completed and returned electronically in **word format** to our office at [xxxxxx@state.pa.us](mailto:xxxxxx@state.pa.us) by xxxxxxxxxxxx (**Date**). On page 1 of the 'Compliance Review Report' you only need to complete the section labeled 'Contractor's Information'. You must complete pages 2 thru 9 in their entirety along with the 'Compliance Review Questionnaire Appendix'. Any additional information that your company cannot submit electronically should be sent to Mr. William Kerney, Chief, Contract Compliance Division, Bureau of Equal Opportunity, P.O. Box 3251, Harrisburg, PA 17105-3251, by the due date above.

It is also **the prime contractor's responsibility** to notify all subcontractors of their requirements to complete a copy of the enclosed package. Please notify your subcontractors by **forwarding a copy of this email notification letter and attachments**. Subcontractors selected for an in-depth equal opportunity contract compliance review are expected to adhere to the same time frames, emailing procedures, and to have their company EEO Officer available to discuss their equal opportunity and equal employment opportunity contractual obligations. Times will be determined through coordination with (Mr./Ms.)xxxxxxxxxxxx (EOS)

## **ITEMS THAT WILL BE REVIEWED AT THE PROJECT SITE:**

1. Copies of all subcontracts, including DBEs, containing all EEO clauses (DSPs).
2. Documentation of the methods used in making company EEO policy known to all employees.
3. Documentation of the methods used to inform supervisors and officials, with hiring authority, about EEO policy and systematic recruitment for this project.
4. System used to track available employees and identify minority and female applicants. Provide copies of tracking logs, employment lists, voluntary identification sheets, etc.
5. Copies of and/or correspondence pertaining to employment advertisements for this project.
6. Documentation of efforts to recruit minority and female applicants through public and private referral sources, and the hiring results for this project.
7. If your company is a union contractor, provide documentation of efforts made to secure minorities and females if the union(s) could not supply them.
8. Documentation of efforts to encourage current employees to refer minority and female applicants for employment.
9. Annotated payroll on the project for a four-week period.
10. Process used to ensure prompt payment to subcontractors. Provide copies of ECMS payment screens along with copies of cancelled checks to subcontractors (especially DBEs) for a four-week period.
11. Any training (informal or formal) utilized on the project.
12. **On the day of the review**, complete the enclosed Daily Project Work Force Data Form for your company and ensure that each subcontractor on the project also completes a copy of the form.

For the above items please provide written documentation and examples that contain actual employee signatures. Do not provide blank forms. All documentation should clearly reference company EEO policy or some aspect of it.

If your company EEO Officer fails to provide the requested information or fails to appear for the review on the scheduled date, your firm will be placed in noncompliance and a Show Cause Notice will be issued immediately. This may have an adverse effect on your prequalification status with the Department and could result in sanctions against your firm.

Please provide this office with a copy of the determination or notification letter confirming your company has been reviewed within the past two years, is currently being reviewed, is pending a review or has an active "Conciliation/Corrective Action Plan" established with the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), or the Pennsylvania Department of Transportation. Consideration may be given to postpone this review if the contractor/subcontractor is complying with their equal opportunity and equal employment opportunity contractual obligations and is/are making substantial progress in terms of minority and female group employment.

Should you have any questions, please contact Mr. William Kerney, Chief of the Contract Compliance Division at (717) 787-5891 or 1-800-468-4201.

Thank you in advance for your cooperation.

Sincerely,

**William Kerney**

(for) Jocelyn I. Harper, Director  
Bureau of Equal Opportunity

3600/JIH/xx  
Attachment

cc: Mr/s., EEO Officer, Company Name  
Mr/s., ADE, District x  
Mr/s., ACE, District x  
Mr/s, PIIC, District x  
Mr/s., DLCCA, District x  
Mr. David DeMarkis, Prequalification Officer, BPD  
File

**Exhibit B**  
**Contractor's Self Analysis**  
**Package**



## Union Affiliations

Union Title or Identification	Union Local Number	Does union have exclusive referral rights		Does union sponsor or participate in pre-apprentice, apprentice, or post employment training programs		Does contractor sponsor or participate in pre-employment, apprentice, or post employment training programs	
		YES	NO	YES	NO	YES	NO
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Other Recruiting Sources

Name or Other Identification	Contact Person	Phone	Response

## On-Site Construction Employment -

\*Information provided should reflect the workforce on the day of the Project Review.

Job Categories	Total Employees		Total Minorities		Black (not of Hispanic Origin)		Asian or Pacific Islander		American Indian or Alaskan Native		Hispanic		Apprentices		On-The-Job Trainees	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Office Managers																
Supervisors																
Foreman/ Forewoman																
Clerical																
Equip Operators																
Mechanic																
Truck Drivers																
Iron Workers																
Carpenters																
Cement Masons																
Electricians																
Pipefitters / Plumbers																
Painters																
Laborers, Semi-Skilled																
Laborers, Un-Skilled																
<b>TOTALS</b>																
Total Employment from Previous Report																
<b>Breakdown of Apprentices and OJTs</b>																
Apprentices																
On-the-Job Trainees																

# Personnel Transactions from the Notice to Proceed Date to the Present

\*\*\* Please provide project specific, not company wide, information.\*\*\*

## New Hires

Period Covered:

From:

To:

Classification	Total		Total Minority		Black Not Hispanic		Hispanic		American Indian, Alaskan Native		Asian or Pacific Islander		White Not of Hispanic Origin	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F

## Terminations

Classification	Total		Total Minority		Black Not Hispanic		Hispanic		American Indian, Alaskan Native		Asian or Pacific Islander		White Not of Hispanic Origin	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F







## Suppliers

Name	Address, City, State	Dollar Amount	DBE	Non-DBE	Type of Work

## Training

Name	Classification	OJT	App	Race	Sex	Status

**CONTRACTOR'S NAME:**

**FEDERAL I.D. NUMBER:**

**COMPLIANCE REVIEW QUESTIONNAIRE**

---

	YES	NO
1. Does your company have a nondiscrimination policy?  If yes, attach a copy.	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the nondiscrimination poster and policy statement posted conspicuously throughout the various locations/offices in your company?  If yes, identify locations where the posters and policy statements are displayed.	<input type="checkbox"/>	<input type="checkbox"/>
3. Does your company include "An Equal Opportunity Employer" statement in all recruitment publications?  If yes, attach a copy of an actual advertisement.	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the nondiscrimination clause included in all of your company's purchase orders, subcontracts and collective bargaining agreements?	<input type="checkbox"/>	<input type="checkbox"/>
5. Does your company have a current affirmative action plan?  If yes, attach a copy.	<input type="checkbox"/>	<input type="checkbox"/>
6. Does your company have procedures for handling cases of alleged discrimination filed by employees?  If yes, attach a copy.	<input type="checkbox"/>	<input type="checkbox"/>
7. Has your company been involved in any legal action with the EEOC or other federal, state or local agencies within the past two years?  If yes, attach related documentation.	<input type="checkbox"/>	<input type="checkbox"/>
8. Is the company currently under a conciliation/cap from a previous review?	<input type="checkbox"/>	<input type="checkbox"/>
9. Does your company have an employment application? If yes, please provide a copy.	<input type="checkbox"/>	<input type="checkbox"/>







**Exhibit C**  
**Project Review**  
**Questionnaires**

**PA DEPARTMENT OF TRANSPORTATION  
EQUAL EMPLOYMENT OPPORTUNITY OFFICERS  
QUESTIONNAIRE**

\_\_\_\_\_  
(PRIME CONTRACTOR) (DATE)

\_\_\_\_\_  
(SR/SEC #) (CMS/ECMS #) (COUNTY)

\_\_\_\_\_  
(NAME) (TITLE)

**A. GENDER:**

Male  Female

**B. ETHNIC IDENTIFICATION:**

White  Black  Hispanic  American Indian/Alaskan Native

Asian  Native Hawaiian/Other Pacific Islander  Two or More Races

**C. EEO POLICY DISSEMINATION AND POSTERS:**

1. What notices and posters are displayed on the bulletin board?

List Here

2. How are your EEO policies and notices disseminated on this project?

How Disseminated

a. Is there documentation to support this?

YES(REVIEW)  NO

3. Does management receive cultural diversity training?

YES  NO

Explain

4. When was the last time supervisors, foreman, and employees involved in the hiring process received EO training? How often?

When Trained, How Often

5. When was the last time tradesman/laborers received EO training? How often?

When Trained, How Often

**D. EEO OFFICER:**

1. What percentage of your time is spent on EEO duties?

%

2. How long have you held this position?

YEARS

MONTHS

3. Briefly describe your duties as the EEO Officer?

List Duties

3. Are you empowered to make personnel decisions? (Hiring/Firing Authority)

YES

NO

4. How often do you visit the project, when was your last visit, and what issues were addressed? (Request Documentation)

Frequency and Issues

**E. RECRUITMENT:**

1. How does the company assemble its workforce? (How are applicants referred for employment?)

- |   |   |
|---|---|
| a. <input type="checkbox"/> Unions                  | f. <input type="checkbox"/> Recalls                 |
| b. <input type="checkbox"/> Media (Radio,TV,Papers) | g. <input type="checkbox"/> Community Organizations |
| c. <input type="checkbox"/> Employee Referral       | h. <input type="checkbox"/> Job Centers             |
| d. <input type="checkbox"/> Walk-ins                | i. <input type="checkbox"/> Colleges/Universities   |
| e. <input type="checkbox"/> Applications/Resumes    | j. <input type="checkbox"/> Other (Specify)         |

2. Has the company made a specific effort to recruit minority and female applicants for this project?

YES

NO

If no, identify the reason

3. What specific minority and female recruitment sources (including unions) have been solicited in the recruitment process?

Enter Recruitment Sources

What were the results?

Enter Results

4. Does the company notify its recruitment sources verbally and/or in writing?

YES

NO

If yes, review and document.

5. Does the company document its recruitment results?

YES

NO

If yes, identify the methods used.

6. Does the firm maintain an employment list for available employees? (If yes, review)

YES

NO

7. Does the firm have a system to identify minority and female employment applicants? (If yes, review)

YES

NO

8. How long are employment applications maintained on file?

YEARS

MONTHS

9. Do you expect to recruit, hire, recall or otherwise increase the project workforce in the foreseeable future?

YES

NO

If yes, how, when, and in what classifications.

10. Who makes the final decision for hiring on this project, and on what basis?

Name: Insert Name                      Title: Insert Title

11. If an applicant is not hired, is he or she given specific reasons for rejection?

YES (Review)                       NO

Is it noted on the employment application?

YES (Review)                       NO

12. When an applicant is not hired, what happens to the application?

Enter what happens to applications.

13. What percentage of employees on the project are minority and/or female?

MINORITY                      % FEMALE                      % UNKNOWN

14. Are you aware of the minority/female workforce goals for this project?  
(If yes, what are the percentages?)

YES                       NO                       UNKNOWN

MINORITY                      % FEMALE                      % UNKNOWN

15. Are you aware of the civilian labor force information for this county/recruitment area? (If yes, what are the percentages?)

YES                       NO                       UNKNOWN

MINORITY                      % FEMALE                      % UNKNOWN

16. Has the company considered establishing additional minority/female goals for the workforce? (If yes, what are the percentages, classifications, and who is held responsible for meeting the goal?)

YES                       NO                       UNKNOWN

MINORITY                      % FEMALE                      % UNKNOWN

Enter classifications and persons responsible.

17. Does the contractor require a pre-employment physical exam?

YES  NO

18. Does the contractor require a written test for employment?

YES  NO

19. Does the contractor have any after school/summer employment for students?

YES  NO

If yes, identify the selection procedure, classifications, starting dates, and numbers.

### **F. PERSONNEL ACTIONS:**

1. Does certified payroll correspond with project employment data reports?

YES  NO

2. Does the contractor ensure overtime work is distributed equitably among all employees? (If yes, how?)

YES  NO

How?

3. Are all personnel actions (transfers, recalls, training, promotions, terminations, wages, working conditions, etc.) periodically reviewed to ensure nondiscrimination?

YES  NO

If yes, by whom, and by what methods?

4. What methods are used to promote employees?

Methods used.

5. Review contractor's employment application to ensure it is in accordance with state & federal regulations. (The following inquiries should not be asked: race, sex, age, weight, height, detailed physical inquiries -ADA) Are any of the above questions asked, or are any other concerns noted with the employment application?

YES  NO

If yes, identify.

**G. TRAINING:**

1. Does the firm have an informal or formal training program?

YES  NO

(If yes, identify trainees, classifications, race, and gender)

Trainees classification, race, and gender

2. Does this contract contain training special provisions?

YES  NO

3. Has the training program been submitted?

YES  NO

If it has been submitted, has it been approved?

YES  NO

4. How are candidates selected and/or recruited for training positions?

Selected by

5. Does the contractor retain the training program and reports (EO-364, EO-365) at the project site? (If yes, review)

YES  NO

6. How, when and who makes the current work force aware of potential upgrading, training and promotions?

How, when, who

a. Are minorities and females specifically encouraged to apply for such training and promotions?

YES  NO

7. Will trainees receive a completion certificate?

YES  NO

**H. UNIONS: ( N/A)**

1. Have the union(s) been notified of your EO Policy and/or Nondiscrimination Clause? (If yes, review documentation.)

YES  NO

2. Do unions refer applicants for employment? (If yes, identify the procedure; if no, skip questions 2 thru 4)

YES  NO

Procedures

3. Does the contractor specifically request minorities and/or females, for each position to be filled, from the union(s)?

YES  NO  N/A

If no, why not?

4. Does the contractor maintain documentation of requests and results?

YES  NO  N/A

If so what methods are used?

5. Does the contractor refer minorities and/or females to the union(s) for membership?

YES  NO

If yes, explain the process.

6. Are applicants referred back to the contractor?

YES  NO

7. Is the contractor aware of the availability of minority and/or female membership from local union(s)? (If yes, what are the percentages for each?)

YES  NO

MINORITY      % FEMALE      % UNKNOWN

8. What procedures are followed when unions are unable to provide a reasonable flow of minority and/or female referrals within the time limit set forth in the collective bargaining agreement?

Explain

**I. SUBCONTRACTORS: (  N/A )**

1. How were the subcontractors solicited for this project?

How solicited

2. Are subcontractors monitored to ensure EEO compliance?

YES  NO

If yes, who is responsible, by what method, and how often?

3. Where are copies of the subcontractor agreements kept?

Kept here

4. Does this contract contain DBE or M/WBE goals? (If yes, what are the percentages?)

YES  NO

DBE % MBE/WBE % UNKNOWN

5. Are there any subcontractors working today?

YES  NO

If yes, identify them.

6. How does the company ensure that DBE's are performing a commercially useful function? (Review documentation)

Explain

7. Are all required non-discrimination and EEO clauses included physically attached to all covered purchase orders and subcontracts?

YES  NO

8. Are subcontractors, especially DBE's, being paid in a timely manner?

YES

NO

Verify procedures to ensure prompt payment.

**J. OTHER:**

1. Have any alleged discrimination complaints been filed by employees on this project?

YES

NO

If yes, what is the nature and status of the complaint?

Additional Comments:

**Reviewing Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

BEO REVISED: 6/2009

**PA DEPARTMENT OF TRANSPORTATION  
CONTRACTOR EMPLOYEE QUESTIONNAIRE**

---

(EMPLOYEE NAME) (JOB CLASSIFICATION) (DATE)

---

(ADDRESS)

---

(PHONE#) (LAST FOUR OF SSN #)

---

(EMPLOYER) (PRIME/SUB)

---

(ECMS #) (COUNTY)

**A. GENDER:**

Male  Female

**B. ETHNIC IDENTIFICATION:**

White  Black  Hispanic  American Indian/Alaskan Native   
Asian  Native Hawaiian/Other Pacific Islander  Two or More Races

**C. EMPLOYMENT DATA:**

1. Date Started on Project?
  
2. New Hire  Transfer  Recall  Trainee  Apprentice
  
3. Have you worked for this company before?  
Yes  No



If yes, with whom and what is the status?

3. How does the company make you aware of their EEO Policies and Procedures (e.g. EEO Policy, Avenues of Appeals, EEO Officer, Sexual Harassment, etc.)?

4. Have you read your company's equal opportunity and/or sexual harassment policy?

Yes  No

If yes, enter when read.

5. Have you received training or instruction on how to file an EEO or sexual harassment complaint?

Yes  No

If yes, explain the process.

6. Who is the project EEO Officer?

Name:

7. Have you ever met the EEO Officer?

Yes  No

8. When was the last time EEO training was conducted?

9. What was the topic?

10. Who conducted the training?

11. Are you aware of any working conditions or personnel actions, which may be considered discriminatory (e.g., recalls, transfer, training, promotions, rates of pay, overtime, layoffs, etc.)?

Yes  No

If yes, please explain.

12. Have you been transferred from one project to another?

Yes  No

If yes, how often?

13. Did the company require a pre-employment physical that included a drug/alcohol test?

Yes  No

If yes, explain.

14. Is your wage rate in accordance with your job classification?

Yes  No

If no, explain.

15. Do you have any relatives working for this company?

Yes  No

If yes whom and what classifications?

**E.TRAINING:** (Not Applicable  )

1. Type of trainee?

On-the-Job Trainee

Apprentice

Date Training Began:

2. Have you been trained on any other project(s)?

Yes  No

Date:

Training classification(s):

Company:

Project Number:

3. Were you provided a copy of your Training Program?

Yes  No

Explain:

4. Was the Training Program explained to you prior to the start of your training?

Yes  No

By whom:

5. Are you being trained in accordance with your approved Training Program?

Yes  No

Explain:

6. Who is primarily responsible for your training?

Name:

Title:

7. Is your progress/evaluation discussed with you?

Yes  No

Explain:

8. Do you receive a copy of your Monthly Training Report?

Yes  No

Explain:

9. Do you sign your Monthly Training Report?

Yes  No

Explain:

10. Have you met the Department's Supportive Services Field Representative?

Yes  No

When:

11. Was the Department's Supportive Services Field Representative helpful?

Yes  No

Explain:

12. Do you have any comments on how to improve the Training Program?

Comments:

**Reviewing Officer:**

**Date:**

**PA DEPARTMENT OF TRANSPORTATION  
FEMALE EMPLOYEE SUPPLEMENTAL QUESTIONNAIRE**

---

(EMPLOYEE NAME) (JOB CLASSIFICATION) (DATE)

---

(ECMS #) (COUNTY)

**A. RECRUITMENT AND WORKING CONDITIONS:**

1. Were you asked any inappropriate questions during the interview process? (i.e., that the work is very heavy or how you would handle any harassment.)

Yes  No

If yes, explain here

2. Have you observed females visiting the work-site for a job but never hired?

Yes  No

3. Have you referred other females to your employer for employment?

Yes  No

If yes, were they ever contacted?

Yes  No

If yes, were they hired?

Yes  No

4. Have you told your employer about any tradeswomen's group(s) in your area?

Yes  No

If yes, has your employer ever contacted them?

Yes  No

5. How are you treated by your supervisor?

I am treated...

How are you treated by co-workers?

I am treated...

How are you treated by employees of other contractors on the site?

I am treated...

6. Do you always work for the same supervisor and/or superintendent?

Yes

No

Do male workers work for the same supervisor and/or superintendent?

Yes

No

7. Are there any supervisors or superintendents that will not allow you to work on their crew or job site?

Yes

No

8. Compare the work you do to that of your co-workers.

Is it the same, worse, or “easy money” work? (i.e., “easy money” work is usually not as physically demanding and given either to the older workers or the supervisor’s friends.)

My work is...

9. Do you work alone?

Yes

No

Explain why or why not

Do co-workers work alone or with partners?

Alone

Partners

Both

10. When you work with a partner, do you get to work or just “help” your partner?

I get to...

11. Does the supervisor talk to you directly when giving out assignments or instructions, or does he only talk directly to your partner?

My supervisor speaks...

12. If you're doing a difficult job that 2 or more people usually do together, are you expected to do it alone? (i.e., lifting and carrying heavy materials, etc.)

Yes  No

13. Are men offered help or advice, but not you?

Yes  No

14. Do you ever work overtime?

Yes  No  N/A

15. Do your co-workers work overtime?

Yes  No  N/A

16. If you are journey-level or experienced, are you ever treated like you don't know anything?

Yes  No  N/A

**B. TRAINING:**

1. Are you satisfied with your training?

Yes  No

Do you want or need more training?

Yes  No

2. Is the quality of training comparable to that received by other workers?

Yes  No

3. Can you freely ask questions of co-workers or supervisors?

Yes  No

**C.ACCOMMODATIONS:**

1. Are the porta potties and changing facilities satisfactory?

Yes  No

2. Are there any peep holes in the porta potties or changing rooms?

Yes  No

3. Is there a working latch for the porta potties?

Yes  No

4. Have there been any modifications of tools or equipment?

Yes  No

**D.HARASSMENT:**

1. Have you ever been physically or verbally threatened?

Yes  No

If yes, by whom

2. Has anyone inappropriately touched you without your consent?

Yes  No

3. Have you ever feared for your safety on the project because of a negative attitude expressed or implied by a co-worker or supervisor?

Yes  No

4. Are you called anything by the supervisor and co-workers besides your name?

Yes  No

Does this bother or upset you?

Yes  No

Have you asked not to be called other names?

Yes  No

5. Have you ever been told the only reason you have a job is because you are a woman?

Yes  No

If yes, by whom

6. Have you ever been asked about your sexual preference?

Yes  No

7. Have you ever been harassed about being a lesbian, regardless of your sexual preference?

Yes  No

8. Do you take your breaks and eat lunch alone to avoid conversations about sex, etc.?

Yes  No

9. Have you ever viewed pornography, or any inappropriate photos, on the job site?  
(This may include offensive calendars distributed by tool manufacturers that use women to sell their products.)

Yes  No

In the porta potties? Yes  No

Changing rooms? Yes  No

Tool trailers? Yes  No

10. Do the male workers discuss sex when you are around?

Yes  No

11. Do the co-workers or the supervisor keep track of the number and length of times you use the porta potties?

Yes  No

12. Do other workers relieve themselves in front of you?

Yes  No

13. Do the other workers harass your partner for working with a woman?

Yes

No

14. Have co-workers and/or supervisors played “practical jokes” on you that you did not consider funny? (Typical examples include tools and materials hidden so you can’t do your work, work clothes and work boots left in shanties, hidden or ruined so you can’t get ready to start work, etc.)

Yes

No

**E. HARASSMENT COMPLAINTS:**

1. Have you ever complained to anyone about disparate treatment you have been subjected to?

Yes

No

If yes, who did you complain to?

Complained to...

What was the complaint?

The complaint was...

What was the resolution?

The resolution was...

2. If you have a complaint, can you talk to your supervisor about it?

Yes

No

3. Does the supervisor do anything to discourage harassment?

Yes

No

If yes, what does he do?

My supervisor does...

Is it effective?

Yes

No

4. What kind of discrimination complaint and grievance procedures does your employer have?

The procedures are...

Have you been informed about this?

Yes

No

Comments:

**Reviewing Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**PA DEPARTMENT OF TRANSPORTATION  
PROJECT ENGINEER/ PROJECT MANAGER/ PROJECT  
INSPECTOR-IN-CHARGE QUESTIONNAIRE**

\_\_\_\_\_  
(CONTRACTOR) (DATE)

\_\_\_\_\_  
(SR/SECTION) (ECMS) (COUNTY)

\_\_\_\_\_  
(NAME) (TITLE)

\_\_\_\_\_  
(PHONE NUMBER) (FAX NUMBER)

State Project Numbers	Sys	SR Num	Sub Proj	Phase	Section	Charge Org	Program	Cost Function

**A. EEO/DBE Project Files:**

- DBE Subcontracts
- EO-364 (If Applicable)
- EO-365 (If Applicable)
- TRAINING PROGRAM (If Applicable)
- EO-402 (DBE Payment Monitoring Form)
- Certified Payroll
- Project Progress Meeting Agendas/Minutes
- Commercially Useful Function (354)



9. Has the contractor filed all required EEO reports in a timely manner?  
(EO-402, EO-364, EO-365, PR-1391)

EO-402	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
EO-364	Yes	No	N/A
EO-365	Yes	No	N/A
PR-1391	Yes	No	N/A

**B. TRAINING** (  ) **Not Applicable**

1. Who is responsible for monitoring the training received by trainee(s) on this project?

Name:

Title:

2. Has a representative of the Department's Supportive Service Contractor contacted you or visited this project? (If yes, date of last visit and name of person who visited.)

Yes

No

If yes, date of last visit and name of person who visited.

Additional Comments:

**Reviewing Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**PA DEPARTMENT OF TRANSPORTATION  
PROJECT SUPERINTENDENT/SUPERVISOR  
QUESTIONNAIRE**

---

(PRIME CONTRACTOR)

(DATE)

---

(SR/SEC #)

(CMS/ECMS #)

(COUNTY)

---

(NAME)

(TITLE)

**A. GENDER:**

Male  Female

**B. ETHNIC IDENTIFICATION:**

White  Black  Hispanic  American Indian/Alaskan Native

Asian  Native Hawaiian/Other Pacific Islander  Two or More Races

**C. EEO POLICY DISSEMINATION AND POSTERS:**

1. Which notices and posters are currently displayed on the project bulletin board?

The notices and posters currently...

2. How are contractor EEO policies and notices disseminated on this project?

EEO policies and notices are disseminated...

3. Are you empowered to make personnel decisions? (Hiring/Firing Authority)

YES

NO

4. Who is the company/project EEO Officer?

Enter name of EEO officer

5. How often does the EEO Officer visit the project, when did the last visit occur, and what issues were addressed?

The EEO Officer last visited...

6. When was the last time you received EEO training?

I received EEO training on...

7. When was the last time you conducted EEO training for your employees?

I conducted EEO training on...

8. Does management receive cultural diversity training? (If yes, explain how.)

YES

NO

Management receives cultural diversity training via...

**D. RECRUITMENT:**

1. How does the company assemble its workforce? (How are applicants referred for employment?)

The workforce is assembled...

2. What are the names of the recruitment sources utilized (including unions) and what are the results?

The names and results of recruitment sources...

3. Does the company notify its recruitment sources verbally and/or in writing?

The company notifies its recruitment sources...

4. Does the company make a specific effort to recruit minority and female applicants for this project? (If no, identify the reason)

YES

NO

Why not?

5. Does the company document its recruitment efforts/results? (If yes, identify the methods used and the results.)

YES

NO

Methods used and results

6. Does the firm maintain an employment file for available employees? (If yes, review)

YES

NO

7. Does the firm have a system to identify minority and female employment applications?

YES

NO

8. How long are employment applications maintained on file?

YEARS

MONTHS

9. Does the firm anticipate any new hires on this project in the future?

YES

NO

If yes, identify the classifications, starting dates, and numbers.

Classifications, starting dates, and numbers.

10. Who makes the final decision for hiring on this project, and on what basis?

NAME:

TITLE:

11. If an applicant is not hired, is he or she given specific reasons for rejection and is it noted on the employment application?

Specific reason for rejection

YES

NO

Noted on employment application

YES

NO

12. When an applicant is not hired, what happens to the application?

If not hired, this happens to application

13. Are you aware of the minority/female workforce goals for this project?  
(If yes, what are the percentages?)

YES  NO

MINORITY % FEMALE %

14. What percentage of the project workforce are minority and/or female?

MINORITY % FEMALE % UNKNOWN

15. Has the firm considered establishing additional minority/female goals for the workforce?

YES  NO

(If yes, what percentage, classifications, and who is held responsible?)

Percentages, classifications, person responsible

16. Does the firm require a pre-employment physical exam?

YES  NO

17. Does the firm require a written test for employment?

YES  NO

18. Does the firm have any after school/summer employment for students?

YES  NO

(If yes, identify the selection procedure, classifications, starting dates, and numbers)

Selection procedure, classifications...

19. Do you expect to recruit, hire, recall or otherwise increase the project workforce in the foreseeable future?

YES  NO

(If yes, identify the selection procedure, classifications, starting dates, and numbers)

Selection procedure, classifications...

**E. PERSONNEL ACTIONS:**

1. Do payrolls correspond with employment data reports?  
(If no, explain)

YES  NO

2. Does the firm ensure overtime work is distributed equitably among all employees?  
(If yes, how?)

YES  NO  UNKNOWN  N/A

3. Are personnel actions (transfer, training, promotions, termination, wages, work conditions, etc.) periodically reviewed to ensure nondiscrimination? (If yes, by whom, and by what method?)

YES  NO  UNKNOWN

4. What methods are used to promote employees?

The methods used to promote employees are...

5. Review the job application to ensure it is in accordance with state & federal regulations. (The following inquiries should not be asked: race, sex, age, weight, height, detailed physical inquiries -ADA)

Are any of the above inquiries listed, or any other problems with the application?

YES  NO

If yes, identify problems

**F. TRAINING:**

1. Does the firm have an informal or formal training program?

YES  NO  UNKNOWN

If yes, identify trainees, classification, gender and ethnicity

2. Does this contract contain training special provisions?

YES  NO

3. Has the training program been submitted and/or approved?

YES  NO  N/A

4. How are candidates selected and/or recruited for training positions?

Explain here how candidates are selected/recruited

5. Does the contractor retain the training program and reports (EO-364, EO-365) at the project site?

YES (Review)  NO

If not, explain why here.

6. How, when and who makes the current work force aware of potential upgrading, training and promotions?

HOW:

WHEN:

WHO:

a. Are minorities and females specifically encouraged to apply for such training and promotions?

YES  NO

If no, explain why not.

7. Will trainees receive a completion certificate?

YES  NO  UNKNOWN

**G.UNIONS:**  (N/A)

1. Does the union(s) refer applicants for employment?  
(If yes, identify the procedure; if no, skip questions 2 thru 4)

YES  NO

2. Does the contractor specifically request for minorities and/or women, for each position to be filled, when seeking employees form the union?

YES  NO

If no, why not?

3. Does the contractor maintain documentation of requests and results?

YES  NO

If yes, what methods are used?

4. Does the contractor refer minorities and/or women to unions for membership?  
(If yes, explain the process)

YES  NO

If yes, explain the process.

If yes, is it notification of apprenticeship programs or membership to be referred back to the contractor?

It is...

5. Is the contractor aware of the availability of minority and/or female membership in local union(s)?

YES  NO

If yes, what are the approximate percentages for each?

MINORITY      %      FEMALE      %      UNKNOWN

6. What are the procedures when unions are unable to provide a reasonable flow of minority and/or female referrals within the time limit set forth in the collective bargaining agreement?

The procedures are...

## **H. SUBCONTRACTORS:**

1. How were subcontractors solicited for this contract?

Subcontractors were solicited via...

2. Are subs monitored for EEO compliance with the Non-Discrimination Clause and other EEO provisions?

YES                       NO                       UNKNOWN   
(If yes, who is responsible, by what method, and how often?)

WHO :

METHOD:

HOW OFTEN:

3. Where are copies of the subcontractor agreements kept?

PROJECT                       HOME OFFICE

4. Does this contract contain DBE or M/WBE goals?

YES                       NO

(If yes, what are the percentages?)

DBE	%	MBE/WBE	%
-----	---	---------	---

5. Are there any subcontractors working today?

YES                       NO

(If yes, identify.)

Subcontractors working are...

6. Are subcontractors, especially DBE's, being paid in a timely manner?

YES                       NO

If yes, verify procedures to ensure prompt payment.

**I. OTHER:**

1. Have any alleged discrimination complaints been filed by employees on this project?

YES  NO

If yes, what is the nature and status of the complaint?

Nature of complaint is...

2. Is this a review resulting from a complaint (i.e., individual, organization, state or federal agency?)

YES  NO

If yes, explain here.

3. Were there any interviews conducted?

YES (How Many?)  NO (Why not?)

How many or why not?

COMMENTS:

**Reviewing Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**PA DEPARTMENT OF TRANSPORTATION  
SUBCONTRACTOR QUESTIONNAIRE**

---

(SUBCONTRACTOR) (DBE/MBE/WBE) (DATE)

---

(SR/SEC #) (CMS #) (FEDERAL ID #)

---

(PRIME) (COUNTY) (EST. COMPL. DATE)

**A. GENDER:**

Male  Female

**B. ETHNIC IDENTIFICATION:**

White  Black  Hispanic  American Indian/Alaskan Native

Asian  Native Hawaiian/Other Pacific Islander  Two or More Races

**C. EEO POLICY DISSEMINATION AND POSTERS:**

1. What notices and posters are displayed on the bulletin board?

The notices and posters displayed are...

2. How are your EEO policies and notices disseminated on this project?

EEO policies and notices are disseminated via...

a. Is there documentation to support this?

YES (REVIEW)  NO

3. Does management receive cultural diversity training? (Explain)

YES  NO

Explain here

4. When was the last time supervisors, foreman, and employees involved in the hiring process received EO training? How often?

Received training on...

5. When was the last time tradesman/laborers received EO training? How often?

Tradesman and laborers received EO training on...

**D.EEO OFFICER:**

1. What percentage of your time is spent on EEO duties?

%

2. How long have you held this position?

YEARS

MONTHS

3. Briefly describe your duties as the EEO Officer?

My duties are...

3. Are you empowered to make personnel decisions? (Hiring/Firing Authority)

YES

NO

4. How often do you visit the project, when was your last visit, and what issues were addressed? (Request Documentation)

I visit the project...

**E.RECRUITMENT:**

1. How does the company assemble its workforce? (How are applicants referred for employment?)

- |   |   |
|---|---|
| a. <input type="checkbox"/> Unions                  | f. <input type="checkbox"/> Recalls                 |
| b. <input type="checkbox"/> Media (Radio,TV,Papers) | g. <input type="checkbox"/> Community Organizations |
| c. <input type="checkbox"/> Employee Referral       | h. <input type="checkbox"/> Job Centers             |
| d. <input type="checkbox"/> Walk-ins                | i. <input type="checkbox"/> Colleges/Universities   |
| e. <input type="checkbox"/> Applications/Resumes    | j. <input type="checkbox"/> Other (Specify)         |

2. Has the company made a specific effort to recruit minority and female applicants for this project? (If no, identify the reason)

YES

NO

If no, identify the reason

3. What specific minority and female recruitment sources (including unions) have been solicited in the recruitment process?

Enter Recruitment Sources

What were the results?

Enter Results

4. Does the company notify its recruitment sources verbally and/or in writing? (Review and document)

YES

NO

If yes, review and document.

5. Does the company document its recruitment results?

YES

NO

(If yes, identify the methods used and the results.)

Methods used and results

6. Does the firm maintain an employment list for available employees? (If yes, review)

YES

NO

7. Does the firm have a system to identify minority and female employment applicants? (If yes, review)

YES

NO

8. How long are employment applications maintained on file?

YEARS

MONTHS

9. Do you expect to recruit, hire, recall or otherwise increase the project workforce in the foreseeable future?

YES  NO

If yes, how, when, and in what classifications.

10. Who makes the final decision for hiring on this project, and on what basis?

Name: Insert Name Title: Insert Title

The basis...

11. If an applicant is not hired, is he or she given specific reasons for rejection and is it noted on the employment application?

YES (Review)  NO

Is it noted on the employment application?

YES (Review)  NO

12. When an applicant is not hired, what happens to the application?

Enter what happens to applications.

13. What percentage of employees on the project are minority and/or female?

MINORITY % FEMALE % UNKNOWN

14. Are you aware of the minority/female workforce goals for this project?  
(If yes, what are the percentages?)

YES  NO  UNKNOWN

MINORITY 0.00 % FEMALE 0.00 % UNKNOWN

15. Are you aware of the civilian labor force information for this county/recruitment area?

YES  NO  UNKNOWN

MINORITY % FEMALE % UNKNOWN

16. Has the company considered establishing additional minority/female goals for the workforce? (If yes, what are the percentages, classifications, and who is held responsible for meeting the goal?)

YES                       NO                       UNKNOWN   
MINORITY                      % FEMALE                      % UNKNOWN

Enter classifications and persons responsible.

17. Does the contractor require a pre-employment physical exam?

YES                       NO

18. Does the contractor require a written test for employment?

YES                       NO

19. Does the contractor have any after school/summer employment for students? (If yes, identify the selection procedure, classifications, starting dates, and numbers)

YES                       NO

If yes, identify the selection procedure, classifications, starting dates, and numbers.

**F. PERSONNEL ACTIONS:**

1. Does certified payroll correspond with project employment data reports?

YES                       NO

2. Does the contractor ensure overtime work is distributed equitably among all employees? (If yes, how?)

YES                       NO

How?

3. Are all personnel actions (transfers, recalls, training, promotions, terminations, wages, working conditions, etc.) periodically reviewed to ensure nondiscrimination? (If yes, by whom, and by what methods?)

YES                       NO

If yes, by whom, and by what methods?

4. What methods are used to promote employees?

Methods used.

5. Review contractor's employment application to ensure it is in accordance with state & federal regulations. (The following inquiries should not be asked: race, sex, age, weight, height, detailed physical inquiries -ADA) Are any of the above questions asked, or are any other concerns noted with the employment application?

YES

NO

If yes, identify.

### **G. TRAINING:**

1. Does the firm have an informal or formal training program?

YES

NO

(If yes, identify trainees, classifications, race, and gender)

Trainee's classification, race, and gender

2. Does this contract contain training special provisions?

YES

NO

3. Has the training program been submitted and/or approved?

YES

NO

4. How are candidates selected and/or recruited for training positions?

Selected by

5. Does the contractor retain the training program and reports (EO-364, EO-365) at the project site? (If yes, review)

YES

NO

6. How, when and who makes the current work force aware of potential upgrading, training and promotions?

How, when, who

a. Are minorities and females specifically encouraged to apply for such training and promotions?

YES

NO

7. Will trainees receive a completion certificate?

YES

NO

**H. UNIONS:** (  N/A)

1. Have the union(s) been notified of your EO Policy and/or Nondiscrimination Clause? (If yes, review documentation.)

YES

NO

2. Do unions refer applicants for employment? (If yes, identify the procedure; if no, skip questions 2 thru 4)

YES

NO

Procedures

3. Does the contractor specifically request minorities and/or females, for each position to be filled, from the union(s)? (If no, why?)

YES

NO

If no, why not?

4. Does the contractor maintain documentation of requests and results? (If yes, what methods are used?)

YES

NO

If so what methods are used?

5. Does the contractor refer minorities and/or females to the union(s) for membership? (If yes, explain the process)

YES

NO

If yes, explain the process.

6. Are applicants referred back to the contractor?

YES  NO

7. Is the contractor aware of the availability of minority and/or female membership from local union(s)? (If yes, what are the percentages for each?)

YES  NO

MINORITY      % FEMALE      % UNKNOWN

8. What procedures are followed when unions are unable to provide a reasonable flow of minority and/or female referrals within the time limit set forth in the collective bargaining agreement? (Explain)

Explain

**J. OTHER:**

1. Have any alleged discrimination complaints been filed by employees on this project? (If yes, what is the nature and status of the complaint?)

YES  NO

If yes, what is the nature and status of the complaint?

Additional Comments:

**Reviewing Officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Exhibit D**  
**Voluntary Corrective**  
**Action Plan**



Date

**VOLUNTARY CORRECTIVE ACTION PLAN**

**FPN:** \_\_\_\_\_

**COUNTY:** \_\_\_\_\_

**ECMS:** \_\_\_\_\_

**CONTRACTOR:** \_\_\_\_\_

On \_\_\_\_\_ a compliance/bulletin board review was conducted on the above referenced project to examine your compliance with the EO/EEO provisions of your contract with the Department.

This Voluntary Corrective Action Plan (VCAP) is for the following identified concerns:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

The identified concerns must be corrected within fifteen (15) days from the date of issuance of this VCAP.

If, at any time in the future, OFCCP, FHWA or PennDOT or their successors(s) believe that (name of contractor) has violated any portion of this agreement, (name of contractor) shall be promptly notified of the fact in writing. This notification shall include a statement of the facts and circumstances relied upon in forming that belief. In addition, the notification shall provide (name of contractor) with 15 days to respond in writing to the notification except where OFCCP,

The Bureau of Equal Opportunity is committed to supporting PennDOT, its customers, employees, and partners in their efforts to attract businesses, residents, and stimulate the economy by ensuring that services and the intermodal transportation system are equitable and compliant with State and Federal Equal Opportunity laws and regulations.

FHWA or PennDOT alleges that such delay would result in irreparable injury. It is understood that enforcement proceedings for violation of this agreement may be initiated at any time after the 15 day period has elapsed (or sooner if irreparable injury is alleged) without issuance of a show cause notice.

It is recognized that where OFCCP, FHWA or PennDOT believes that (name of contractor) has breached this agreement, evidence regarding the entire scope of (name of contractor) alleged noncompliance from which this agreement resulted, in addition to evidence regarding (name of contractor) alleged violation of this agreement, may be introduced at the enforcement proceeding.

Violation of or if the firm does not sign this agreement, may subject (name of contractor) to sanctions pursuant to PennDOT's contract administration procedures. It is further recognized that liability for violation of this agreement may also subject (name of contractor) to sanctions set forth in Section 209 of Executive Order 11246 as amended and/or appropriate reliefs as may be determined by OFCCP.

This VCAP may not preclude a subsequent finding of noncompliance.

We appreciate your support of the Department's Equal Opportunity/Employment Program and encourage your continued commitment in your contractual requirements.

\_\_\_\_\_  
Contractor's Representative/Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
PennDOT, Bureau of Equal Opportunity

\_\_\_\_\_  
Date

**Exhibit E**  
**Letter of Findings**  
**and**  
**Conciliation**  
**Agreement/Corrective**  
**Action Plan**



Date

### Sample Finding Letter

Mr/s./Title  
Company Name  
Address Address

Dear:

As a result of the project review for (S.R.: **xxx(xxx)**, ECMS: **xxxxx**, FPN: **xxxx-xxx-xxx**), located in (**xxxxxxxxxxx** County), conducted on (**xxxxxxxxxx**) by the Pennsylvania Department of Transportation, Bureau of Equal Opportunity, several areas of concern have been identified in the fulfillment of your contractually mandated equal employment opportunity requirements. Your failure to take the following actions has resulted in an unacceptable level of minority and female employment in your operations. (Particularly in the following job categories): (list job classifications): foremen (females), equipment operators (minorities and females), iron workers (minorities and females), carpenters (minorities and females), and cement masons (minorities and females).

Specifically, sufficient good faith efforts have not been made to meet your equal opportunity requirements in the following areas:

List of findings: 1.

Commitment

2.

Commitment

3.

Commitment

The Bureau of Equal Opportunity is committed to supporting PennDOT, its customers, employees, and partners in their efforts to attract businesses, residents, and stimulate the economy by ensuring that services and the intermodal transportation system are equitable and compliant with State and Federal Equal Opportunity laws and regulations.

Your failure to take the contractually required affirmative action has contributed to the unacceptable level of minority (and/or) female employment in your operations, particularly in the semiskilled and skilled categories of employees.

U.S. Department of Transportation (USDOT) regulations 23 CFR 230, Subparts A and D are applicable to your Federal-aid highway construction contract and are controlling in this matter (see Required Contract Provisions, Form FHWA-1273, Clause II). 23 CFR 230.409 requires that you make a commitment in writing to correct such deficiencies before your company may be found in compliance. **This commitment must include the specific action which you propose to take to correct each deficiency, the person responsible for taking such action, and the date of completion for such action.** The time allotted shall be no longer than the minimum period necessary to effect the necessary corrective action. Your written commitment must also provide for the submission of minority and female representation at each level of each trade and a list of minority and female employees. This corrective action plan should be submitted to Jocelyn I. Harper, Director, PennDOT Bureau of Equal Opportunity, P.O. Box 3251, Harrisburg, PA 17105-3251, by (date).

You are specifically advised that making the commitment addressed above will not preclude a future determination of noncompliance. We will hold a compliance teleconference on (date, time) for you to discuss your written commitment. Alternatively, you may request a face-to-face meeting in Harrisburg by notifying the Bureau of your intent prior to the due date of (date). If your written commitment is acceptable and if the commitment is sufficient to achieve compliance, you will be found in compliance during the effective implementation of that commitment. You are cautioned, however, that PennDOT's determination is subject to review by the Federal Highway Administration (FHWA) of USDOT and may be disapproved if your written commitment is not considered sufficient to achieve compliance.

If you indicate either directly or by inaction that you do not wish to participate in the scheduled conference and do not otherwise show cause within 30 days from receipt of this notice why enforcement proceedings should not be instituted, PennDOT will commence enforcement proceedings under 23 CFR 230, Subparts A and D, as amended. If your written commitment is accepted and it is subsequently found that you failed to comply with its provisions, you will be advised of this determination and formal sanction proceedings will be instituted immediately. In the event formal sanction proceedings are instituted and the final determination is that a violation of your equal opportunity contract requirements has taken place, any Federal-aid construction contracts or subcontracts which your company holds may be cancelled, terminated, or suspended, and your company may be debarred from further contracts and subcontracts. Such other sanctions as are authorized by 23 CFR 230, Subparts A and D, as amended, may also be imposed.

Insert Company Name  
Page \_\_ of \_\_  
Insert Date

We encourage you to take the necessary action to resolve this matter as quickly as possible. The Bureau of Equal Opportunity stands ready to assist you in achieving compliance. Any questions concerning this notice should be referred to Mr. William Kerney, Chief, Contract Compliance Division, at 717-787-5891 or 1-800-468-4201.

Sincerely,

Jocelyn I Harper, Director /s/  
Bureau of Equal Opportunity

3600/JIH/abc Attachment

cc: Mr. /Ms., EEO Officer, Company Name  
Mr. /Ms., ADE, District x  
Mr. /Ms., ACE, District x  
Mr. /Ms., PIC, District x  
Mr. /Ms., DLCCA, District x  
Mr. /Ms., Prequalification Officer, BCM  
Mr. /Ms., Chief, Contract Compliance Division, BEO  
File

**SAMPLE CONCILIATION AGREEMENT  
CORRECTIVE ACTION PLAN (CAP)**

between

**Pennsylvania Department of Transportation**

and

**CONTRACTOR'S NAME, PROJECT IDENTIFICATION (ECMS, FPN, & COUNTY)**

**General Provisions:**

1. This agreement is between the Pennsylvania Department of Transportation [hereinafter PennDOT] and (**CONTRACTOR'S NAME**) [hereinafter contractor].
2. The problem areas that gave rise to this Agreement were identified during the compliance review of (contractor), which commenced on (**DATE**) and they were specified in the findings letter issued (**DATE**). PennDOT alleges that (contractor) has violated the equal employment opportunity requirements of the subject contract and Title 23 CFR 230, Subpart D, and its implementing regulations by not carrying out the specific affirmative action EEO requirements of the contract listed and/or identified and made part of the contract specifications.
3. While this agreement may not constitute an admission by (contractor) of any violation of Title 23 CFR 230, Subpart D, it does represent a congruent position that (contractor's) EEO requirements have not been fully executed. Subject to the demonstrated performance by (contractor) of all commitments contained herein and in the contract specifications, at a subsequent follow-up review, all identified problem areas shall be deemed resolved. However, (contractor) is advised that the commitments contained in this Agreement do not preclude future determinations of noncompliance based on a finding that the commitments are not sufficient to achieve compliance, which may require modification, and/or that (contractor) has not carried out the agreed upon commitments. If the latter is true, (contractor) will be notified in writing and administrative remedies available under State and/or Federal rules, regulations, or law will be promptly initiated, due to the respondent contractor not implementing the CAP as agreed upon.
4. (Contractor) agrees that the Federal Highway Administration [FHWA] may review compliance with this agreement. As part of such review, PennDOT and/or FHWA may require written reports, inspect the job sites, request to interview employees, and may have access to (contractor's) books, records, and accounts for purpose of investigation to ascertain compliance with this Agreement.
5. Nothing herein is intended to relieve (contractor) from compliance with the requirements of Title 23 CFR 230, Subpart D, or any other equal employment rules, regulations, or law.

6. (Contractor) agrees that there will be no retaliation of any kind against any beneficiary of this Agreement, or against any person who has provided information and assistance, or who files a charge, or who participates in any manner in any proceeding under Title 23 CFR 230, Subpart D, or other equal employment statutes.
7. This agreement will be deemed to have been submitted and accepted in good faith by (contractor) and PennDOT on the date of signature unless it has been disapproved by FHWA.
8. If at any time in the future PennDOT or FHWA believes that (contractor) has violated any portion of this Agreement, (contractor) will be promptly notified of that fact in writing. The notification shall include a statement of the facts and circumstances relied upon in forming that belief. In addition, said notification will provide (contractor) with 15 days to respond in writing, except where PennDOT or FHWA alleges that such delay would result in irreparable injury.
9. It is understood that enforcement proceedings for violation of this Agreement may be initiated at any time after the 15-day period has elapsed, or sooner if irreparable injury is alleged.
10. It is recognized that where PennDOT or FHWA believes that (contractor) has breached this Agreement, evidence regarding the entire scope of (contractor's) alleged noncompliance from which the Agreement resulted, in addition to the evidence regarding (contractor's) alleged violations of the Agreement, may be introduced at the enforcement proceedings.
11. It is further recognized that liability for violation of this Agreement may submit (contractor) to appropriate administrative remedies, as set forth in State and Federal rules, regulations, and law. It is also understood that this agreement covers current and future Federal-aid highway projects.

### **Specific Provisions:**

(Utilize finding letter...

**(Finding-Remove)** – (List the specific violation with supportive statement indicating the contractor will ensure, will implement, etc.)

In addition, **remove** the **regulatory cite** when responding in the affirmative.

Commitment-(Specific actions with timeframes of when the contractor commits to correcting the problem and the person(s) responsible for implementation.

All commitments will be implemented by the EEO Officer, **(Name)** on the date(s) identified. If the date(s) or delegate should change, the Bureau of Equal Opportunity will be notified in writing. **(Statement Added)**

This Agreement shall remain in full force and effect until (contractor) has demonstrated performance of commitments under conditions of General Provisions Item #3 and the

Specific Provisions.

**Signatures:**

This Agreement is hereby executed by and between PennDOT and (contractor) subject to approval by FHWA.

\_\_\_\_\_  
Contractor's Signature

\_\_\_\_\_  
PennDOT Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
FHWA Approval

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

# **Exhibit F**

## **Show Cause Meeting**

### **Notices**

OS-2 (3-01)



Date

**Sample Show Cause Notice VCAP**

Mr/s./Title  
Company Name  
Address  
Address

Dear:

It has been determined that your previously submitted and approved Voluntary Corrective Action Plan has been breached in the following manner:

Area(s) of Concern

- 1.
- 2.

A show cause conference has been scheduled on xxxxxxxx, at xx:xx XM to discuss the aforementioned concern(s) and to ascertain xxxxxxxxxx (Contractor) commitment to rectify its current position. The meeting will be held at xxxx xxxxxx xxxxxx, xxxxxxxxxx xxxxxx. Please come to this meeting prepared to present your formal agreement to change.

Until such time as the contractor and the Department has come to an agreeable solution, the contractor shall be placed in noncompliance and such status will be noted in the Commonwealth's Vendor Responsibility Program.

Failure to attend the scheduled meeting or adhere to the formal written agreement will constitute the contractor's failure to co-operate and will have a negative effect on the contractor's pre-qualification and the company's ability to bid future work with the Department.

Insert Company Name  
Page \_ of \_  
Insert Date

Please confirm your attendance in writing or FAX by **xxxxxxxx**. If you have any questions concerning the above scheduled meeting, please contact Mr. Bill Kerney, Chief, Contract Compliance Division. Your immediate attention to this concern would be greatly appreciated.

Sincerely,

Jocelyn I Harper /s/, Director  
Bureau of Equal Opportunity

360/JIH/xx

cc: Mr. /Ms., Pre-qualification Officer, BCM  
Mr. /Ms., Chief, Contract Compliance Division, BEO  
File

**Exhibit G**  
**Sanctions Notice**



Date

### **Sample Sanctions Notification Letter**

Mr/s./Title  
Company Name  
Address  
Address

Dear:

It has been determined that your previously approved Formal Corrective Action Plan has been determined to be non-responsive, and the Department is now moving forward with the imposition of Sanctions. Sanctions will include placing your firm in the Commonwealth Contractor Responsibility Program. Authority for this sanction is granted under Commonwealth Management Directive 215.9. In addition, the Bureau may also recommend suspension of your prequalification status under Provision 457.13 of the Pennsylvania Code, Title 67.

This letter serves as written notice that the Department of Transportation has exercised their option to suspend your ability to bid, until such time as your firm returns to a compliance status. The Bureau, as always, will work with the contractor to bring this about.

You may, within 30 days of this suspension, submit in writing, or through a representative, information in opposition to the suspension. Upon review of the information or the completion of an investigation, or both, the Department will notify the contractor whether the suspension shall be upheld or withdrawn.

The Bureau of Equal Opportunity is committed to supporting PennDOT, its customers, employees, and partners in their efforts to attract businesses, residents, and stimulate the economy by ensuring that services and the intermodal transportation system are equitable and compliant with State and Federal Equal Opportunity laws and regulations.

Insert Company Name

Page \_ of \_

Insert Date

If you have any questions concerning the above, please contact Mr. William Kerney, Chief, Contract Compliance Division at 1-800-468-4201 or 1-717-787-5891.

Sincerely,

Jocelyn I Harper /s/, Director  
Bureau of Equal Opportunity

cc: Mr. /Ms., Director, Bureau of Construction and Materials  
Mr. /Ms., Chief, Contract Management Division, BCM  
Mr. /Ms., Pre-qualification Officer, BCM  
Mr. /Ms., Equal Opportunity Specialist, FHWA  
Mr. /Ms., Chief, Contract Compliance Division, BEO  
File

**Exhibit H**  
**Compliance Data Report**  
**PDT-86**



## Union Affiliations

Union Title or Identification	Union Local Number	Does union have exclusive referral rights		Does union sponsor or participate in pre-apprentice, apprentice, or post employment training programs		Does contractor sponsor or participate in pre-employment, apprentice, or post employment training programs	
		YES	NO	YES	NO	YES	NO
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Other Recruiting Sources

Name or Other Identification	Contact Person	Phone	Response

## On-Site Construction Employment -

\*Information provided should reflect the workforce on the day of the Project Review.

Job Categories	Total Employees		Total Minorities		Black (not of Hispanic Origin)		Asian or Pacific Islander		American Indian or Alaskan Native		Hispanic		Apprentices		On-The-Job Trainees	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Office Managers																
Supervisors																
Foreman/ Forewoman																
Clerical																
Equip Operators																
Mechanic																
Truck Drivers																
Iron Workers																
Carpenters																
Cement Masons																
Electricians																
Pipefitters / Plumbers																
Painters																
Laborers, Semi-Skilled																
Laborers, Un-Skilled																
<b>TOTALS</b>																
Total Employment from Previous Report																
<b>Breakdown of Apprentices and OJTs</b>																
Apprentices																
On-the-Job Trainees																

# Personnel Transactions from the Notice to Proceed Date to the Present

\*\*\* Please provide project specific, not companywide, information.\*\*\*

## New Hires

Period Covered:

From:

To:

Classification	Total		Total Minority		Black Not Hispanic		Hispanic		American Indian, Alaskan Native		Asian or Pacific Islander		White Not of Hispanic Origin	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F

## Terminations

Classification	Total		Total Minority		Black Not Hispanic		Hispanic		American Indian, Alaskan Native		Asian or Pacific Islander		White Not of Hispanic Origin	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F







## Suppliers

Name	Address, City, State	Dollar Amount	DBE	Non-DBE	Type of Work

## Training

Name	Classification	OJT	App	Race	Sex	Status

This report covers the period from \_\_\_\_\_ to \_\_\_\_\_

### Current Workforce Breakdown of Home Office

Job Categories	Total Employees		Total Minorities		Black (not of Hispanic Origin)		Asian or Pacific Islander		American Indian or Alaskan Native		Hispanic	
	M	F	M	F	M	F	M	F	M	F	M	F
Officials/ Managers												
Professionals/ Paraprofessional												
Technicians												
Sales Workers												
Office / Clerical												
Craftworkers (Skilled)												
Operators (Semi-Skilled)												
Laborers (Un-Skilled)												
Service Workers												
<b>TOTALS</b>												
Total Employment from Previous Report												

## Contract Work Hour Goals/Availability

Minorities:            %

Females: 6.9 %

Identify the percentage of minorities and females, in the county (ies) where the project is located, available for employment (see work force data).\*

COUNTY	MALES		FEMALES	
	Non-Minority	Minority	Non-Minority	Minority

\*Figures should reflect at least a 50-mile radius of the project. (To include surrounding counties)

**Source:** PA Department of Labor & Industry; Labor Force Characteristics – Annual Average 2003. Data may not add due to duplication and rounding.

## Summary, Findings, Conclusions, Recommendations and Agreements

YES	NO	N/A
<input type="checkbox"/>		<input type="checkbox"/> Are required posters conspicuously displayed? Where:
		Have required written notices been sent to unions?
		Are recruiting publications used to show "An Equal Opportunity Employer"?
		Are such publications circulated in minority oriented communities?
<input type="checkbox"/>		<input type="checkbox"/> Have other reports required by Federal, State, Municipal, or other statutes, regulations, directives etc. been submitted?
<input type="checkbox"/>		<input type="checkbox"/> Have compliance or other reviews made by other agencies resulted in a determination of compliance?
<input type="checkbox"/>		<input type="checkbox"/> Are prescribed EEO clauses included in all applicable purchase orders and subcontract agreements?
<input type="checkbox"/>		<input type="checkbox"/> Are applications for employment accepted, and are selections made without regard to race, color, religion, sex or national original?
<input type="checkbox"/>		<input type="checkbox"/> Have EEO meetings been held with supervisory personnel before the start of work and not less than once every 6 months for the purpose of explaining and reviewing the EEO program? Date of initial meeting: _____ Date of latest meeting: _____
<input type="checkbox"/>		<input type="checkbox"/> Are the Contractor's EEO Policy and the implementation procedures brought to the attention of employees by means of meetings, employee handbook, etc.? If by meeting, give date of latest meeting: _____
<input type="checkbox"/>		<input type="checkbox"/> Are transfers, wages, training, promotions and other employment practices achieving equal employment results?

<b>PennDOT</b>	
Review Conducted By:	Report Reviewed By:
Name:	Name:
Signature:	Signature:
Title: Equal Opportunity Specialist 2	Title: Equal Opportunity Specialist 3
Date:	Date:

<b>Determination of Status by PennDOT</b>	
<input type="checkbox"/>	Acceptable patterns and practices indicated; no deficiencies found
<input type="checkbox"/>	Deficiencies identified; properly addressed in Voluntary Corrective Action Plan
<input type="checkbox"/>	Deficiencies identified; not adequately addressed; corrective action plan negotiated
<input type="checkbox"/>	Other – see attached for comments

<b>FHWA</b>	
Reviewed By:	
Name:	<input type="checkbox"/> Concur
Signature:	<input type="checkbox"/> FHWA – Letter with Comments Date:
Title: Equal Opportunity Specialist	<input type="checkbox"/> Resolution Requested By: Date:
Date:	

**Exhibit I**  
**Compliance Status Letter**



Date

**Sample Compliance Status Letter**

Mr/s./Title  
Company Name  
Address  
Address

Re: Project: S.R./Section: xxx(xxx)  
ECMS: xxxxxx  
FPN: xxxx-xxx-xxxx  
xxxxxxxxxx County

Dear:

On xxxxxxxxxxxx a compliance review was conducted on the above referenced project to examine your personnel policies, recruitment practices, and minority and female composition of your work force.

We are placing your firm in compliance; however, this determination does not preclude a subsequent finding of noncompliance, should you deviate from your contractual EEO obligations and commitments with the Department. You are cautioned, however, that PennDOT's determination is subject to review and concurrence by the Federal Highway Administration (FHWA) of the United States Department of Transportation.

Results of your efforts will be closely monitored through receipt of monthly EEO reports, periodic requests for documentation and a follow-up review to ensure your compliance status. If you should have any questions, please contact William Kerney, Chief, Contract Compliance Division, Bureau of Equal Opportunity at (717) 787-5891 or 800-468-4201.

We appreciate your support of the Department's Equal Opportunity Program and encourage your continued commitment in fulfilling your contractual equal employment opportunity requirements.

The Bureau of Equal Opportunity is committed to supporting PennDOT, its customers, employees, and partners in their efforts to attract businesses, residents, and stimulate the economy by ensuring that services and the intermodal transportation system are equitable and compliant with State and Federal Equal Opportunity laws and regulations.

Insert Company Name  
Page \_ of \_  
Insert Date

Sincerely,

Jocelyn I. Harper /s/, Director  
Bureau of Equal Opportunity

360/JIH/xx

cc: Mr/s., EEO Officer, Company Name  
Mr/s., ADE, District x  
Mr/s., ACE, District x  
Mr/s, PIC, District x  
Mr/s., DLCCA, District x  
Mr. David DeMarkis, Prequalification Officer, BCM  
Mr. William Kerney, Chief, Contract Compliance Division, BEO  
File

**Exhibit J**  
**Follow-up Notification**  
**Letter**



Date

**Sample Follow Up Review Notification Letter**

Mr/s./Title  
Company Name  
Address  
Address

Re: Project: S.R./Section: **xxx(xxx)**  
ECMS: **xxxxx**  
FPN: **xxxx-xxx-xxxx**  
**xxxxxxxxxx** County

Dear:

A follow-up compliance review will be conducted with your chief company official(s) at your home office on **xxxxxxxxxx** beginning at **xxxxxx A.M.** to discuss your Corrective Action Plan accomplishments submitted on **xxxxxxxxxx**, and to gather additional information and documentation.

At the time of the review, please have available documentation or other applicable information to substantiate your accomplishments. In addition, it may be necessary to conduct additional employee interviews.

If you have any questions, please contact Mr/s. **xxxxxxxxxx**, Equal Opportunity Specialist, who will be conducting the review at (717) 787-5891 or 1-800-468-4201.

Thank you in advance for your cooperation.

Sincerely,

Jocelyn I. Harper, Director /s/ Bureau  
of Equal Opportunity

The Bureau of Equal Opportunity is committed to supporting PennDOT, its customers, employees, and partners in their efforts to attract businesses, residents, and stimulate the economy by ensuring that services and the intermodal transportation system are equitable and compliant with State and Federal Equal Opportunity laws and regulations.

Insert Company Name

Page \_ of \_

Insert Date

3600/JIH/xx

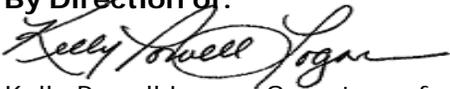
Attachment

cc: Mr. /Ms., EEO Officer, Company Name  
Mr. /Ms., ADE, District x  
Mr. /Ms., ACE, District x  
Mr. /Ms., PIC, District x  
Mr. /Ms., DLCCA, District x  
Mr. /Ms., Prequalification Officer, BCM  
Mr. /Ms., Chief, Contract Compliance Division, BEO  
File

**Exhibit K**  
**Management Directive**  
**410.10**  
**and**  
**Equal Employment**  
**Opportunity**  
**Discrimination Complaint**  
**Form**

# MANAGEMENT DIRECTIVE

## Commonwealth of Pennsylvania Governor's Office

<b>Subject:</b> Guidelines for Investigating and Resolving Internal Discrimination Complaints	<b>Number:</b> 410.10 Amended
<b>Date:</b>  December 5, 2012	<b>By Direction of:</b>  Kelly Powell Logan, Secretary of Administration
<b>Contact Agency:</b> Office of Administration, Office for Human Resources Management, Bureau of Equal Employment Opportunity, Telephone 717.783.1130	

**This directive establishes policy, responsibilities, and procedures to be followed when investigating and resolving internal discrimination complaints. This amendment has been updated to include definitions and outlines specific responsibilities and procedures. Marginal dots are excluded due to major changes.**

- 1. PURPOSE.** To establish policy, responsibilities, and procedures for investigating and resolving internal complaints of discrimination.
- 2. SCOPE.**
  - a. This directive applies to all departments, boards, commissions, and councils (hereinafter referred to as "agencies") under the Governor's jurisdiction.
  - b. The procedures outlined in this directive apply to investigations of internal complaints of discrimination. Harassment, including sexual harassment, is a form of employment discrimination, which is prohibited pursuant to commonwealth policy; thus, all references to "discriminatory" actions also apply to harassment.
- 3. OBJECTIVES.**
  - a. To ensure that the investigations of internal complaints of discrimination are conducted in a professional, impartial, and prompt manner.

- b. To outline policy and procedures for investigating and resolving internal complaints of discrimination.
- c. To set forth the commonwealth's policy on retaliation, as it relates to internal complaints of discrimination.

#### 4. DEFINITIONS.

- a. **Complaint.** A written or verbal notification alleging unlawful employment discrimination. A complaint is considered filed when it is received by the proper official or office.
- b. **Discrimination.** Unequal treatment based on membership in a class protected by law or by commonwealth policy including race, color, religious creed, ancestry, age, sex, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, disability or union membership.
  - (1) A facially neutral policy that results in a disproportionate negative impact on a specific protected class may constitute discrimination.
  - (2) Discrimination may involve single or continuing actions.
- c. **Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - (1) Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment.
  - (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
  - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive work environment.

#### 5. POLICY.

- a. [Executive Order 2003-10, Equal Employment Opportunity](#), prohibits discrimination against any employee or applicant for employment because of race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, or disability; authorizes the Office of Administration, Office for Human Resources Management, Bureau of Equal Employment Opportunity (BEEO), to review agency equal employment opportunity files at any time.
- b. [Executive Order 2002-4, Prohibition of Sexual Harassment in the Commonwealth](#), prohibits sexual harassment by any commonwealth employee against any other employee, applicant for employment, client, or other person receiving services from or conducting business with the commonwealth; prohibits acts of sexual harassment by persons not employed by the commonwealth against employees of the commonwealth in the performance of their duties.

- c. [Management Directive 505.7, Personnel Rules](#), states that every effort is to be exerted to end discrimination against members of minority groups and women at every level of employment, including recruitment, selection, appointment, promotion, training, delegation, and decision making.
- d. **Retaliation.** Retaliation against persons who have lodged a complaint, testified, assisted, or participated in any proceeding, investigation, or hearing regarding any allegation of discrimination is expressly prohibited. Retaliation includes, but is not limited to: harassing behavior, isolation, changing work assignments, making demands that appear work-related but have a retaliatory purpose, directing, prompting, or encouraging others to commit retaliatory acts.

## 6. RESPONSIBILITIES.

- a. **The Secretary of Administration** shall direct the development, implementation and administration of the commonwealth's policies governing procedures for investigation and resolution of internal complaints of discrimination, through BEEO.
- b. **The Office of Administration, Office for Human Resources Management, Bureau of Equal Employment Opportunity** shall:
  - (1) Develop and disseminate procedures for administering the policy governing the investigation and resolution of internal complaints of discrimination.
  - (2) Oversee the internal complaint process whereby applicants and employees may file complaints alleging violations of commonwealth discrimination policies.
  - (3) Provide technical assistance, information and training on investigation of internal complaints of discrimination to agency Equal Opportunity Officers and other agency staff involved in investigations.
  - (4) Where appropriate, investigate complaints of discrimination that have been forwarded from agencies due to a reasonably perceived or actual conflict of interest, or where circumstances otherwise warrant.
  - (5) When requested by complainants, after internal reconsideration, as permitted in 7. b. (11) of this directive, review agency determinations and determine appropriate disposition.
- c. **Agency Heads** shall:
  - (1) Designate a Responsible Agency Official for discrimination-related employment issues.
  - (2) Designate an agency Equal Opportunity Officer who has equal employment opportunity and human resources knowledge.
  - (3) Designate an agency official to review Requests for Reconsideration and provide notification as required in 7. b. (11) (c).

- (4) Require that all provisions of this directive and employment discrimination laws are complied with and integrated into commonwealth human resource policies and training programs.
- (5) Provide information to all employees and, upon request, to job applicants regarding the provisions of this directive, the process for investigating and resolving internal complaints of discrimination, and other avenues of recourse.
- (6) Develop and provide education and technical assistance for managers and supervisors regarding discrimination-related employment responsibilities, including the procedures for the filing of internal complaints of discrimination by employees.

**d. Responsible Agency Officials shall:**

- (1) Consider and effectuate appropriate measures consistent with applicable collective bargaining agreements or civil service rules to protect employees where necessary.
- (2) Upon completion of an investigation and receipt of the case file, meet with the agency Equal Opportunity Officer and/or the agency's legal counsel to discuss the investigation and determine whether the complaint allegations have been substantiated.
- (3) Notify the complainant of the outcome of the investigation and his/her right to internal reconsideration or appeal to BEEO as appropriate, as set forth in 7. b. (10) (11) and (12) of this directive.
- (4) Notify the alleged offender of the outcome of the investigation.
- (5) Document all actions taken and communications related to the investigation.
- (6) Receive requests for withdrawal of internal employment discrimination complaints and determine the appropriate action.

**e. Agency Legal Counsel shall:**

- (1) Provide guidance and legal advice to agency Equal Opportunity Officers as appropriate.
- (2) Upon completion of an investigation and receipt of the case file, where appropriate, meet with the agency Equal Opportunity Officer and Responsible Agency Official to discuss the investigation.
- (3) Assume responsibility for the investigation where an individual files a complaint with the Pennsylvania Human Relations Commission (PHRC), United States Equal Employment Opportunity Commission (EEOC), state or federal court, etc.
  - (a) Notify the agency Equal Opportunity Officer of such filing whether or not a previous internal complaint has been filed.

**f. Agency Equal Opportunity Officers shall:**

- (1)** Upon receipt of a complaint, issue a written acknowledgement of complaint and information on the commonwealth's mediation program.
- (2)** Upon receiving a complaint, assess whether immediate steps should be taken to protect an employee.
- (3)** Provide the following notifications:
  - (a)** Notify the Responsible Agency Official and other management personnel (who have a legitimate need to know) of the filing of the complaint.
  - (b)** Notify BEEO Director of all cases where the agency head or Responsible Agency Official is identified as the alleged offender.
  - (c)** Notify the Responsible Agency Official, BEEO Director and the Governor's General Counsel of all cases where an agency Chief Counsel is identified as the alleged offender.
  - (d)** Notify the Responsible Agency Official, BEEO Director and the agency Chief Counsel of all cases where an agency Assistant Counsel is identified as the alleged offender.
  - (e)** Notify the Responsible Agency Official in cases where actions should be taken to protect an employee.
  - (f)** Notify the Responsible Agency Official and agency Legal Counsel where an individual files with PHRC, EEOC, state or federal court, etc.
- (4)** Confer with complainant and other concerned parties, as required, and if appropriate, attempt to resolve the complaint informally.
- (5)** Create investigative files and plans, conduct investigations and upon completion of investigations, assemble case files.
- (6)** Create and maintain investigative log/chronology that documents all events, correspondence and communications.
- (7)** Maintain confidentiality and disclose information regarding the investigation only on an as need to know basis.
- (8)** Upon completion of the investigation, submit a copy of the case file to the Responsible Agency Official as set forth in 7. b. (9) (b) of this directive.
- (9)** Meet with the Responsible Agency Official and/or agency Legal Counsel to discuss the investigation.
- (10)** Maintain records and submit reports and other information as required by BEEO.

**g. Agency Managers and Supervisors** shall promptly report all internal complaints of discrimination to the agency Equal Opportunity Officer.

## **7. PROCEDURES.**

### **a. Filing a Complaint of Discrimination.**

- (1)** Employees who believe that they have been subjected to discrimination because of race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender identity or expression, national origin, AIDS or HIV status, or disability may file a complaint with the agency Equal Opportunity Officer of the agency where the alleged act of discrimination occurred.
- (2)** There is no requirement that a complaint be in writing or conform to a specific format. However, where a verbal complaint is received, and it is determined that an investigation is warranted, every effort must be made to obtain a written complaint, preferably on the standard Form STD-486C, Equal Employment Opportunity Discrimination Complaint Form; refer to Enclosure 1 of this directive.
- (3) Timeframe.** All internal complaints of discrimination must be filed within 90 calendar days of the alleged act of discrimination.
- (4) Conflict of Interest.** Where there is a perceived or actual conflict of interest, the agency Equal Opportunity Officer shall consult with the Responsible Agency Official to determine whether the complaint should be investigated by another agency employee or the appropriateness of submitting a request to BEEO to conduct the investigation.
- (5) Other Avenues of Recourse.** At any time the complainant may elect to file a complaint with the following agencies within the required time frames.

#### **Pennsylvania Human Relations Commission [www.phrc.state.pa.us](http://www.phrc.state.pa.us)**

Harrisburg Regional Office                      Voice: 717.787.9784;    TTY: 717.787.7279

Philadelphia Regional Office                      Voice: 215.560.2496;    TTY: 215.560.3599

Pittsburgh Regional Office                      Voice: 412.565.5395;    TTY: 412.565.5711

**Time Frame:**                                      180 days from date of alleged discrimination

#### **U.S. Equal Employment Opportunity Commission [www.eeoc.gov](http://www.eeoc.gov)**

Nationwide    Voice: 800.669.4000;    TTY: 800.669.6820

Philadelphia District Office                      Voice: 215.440.2601;    TTY: 215.440.2610

Pittsburgh Area Office                              Voice: 412.395.5902;    TTY: 412.395.5904

**Time Frame:**                                      300 days from date of alleged discrimination

- (6) **Transfer to Legal Office.** The procedures outlined in this directive apply only to internal investigations. Whenever a complaint or action is filed in any court or outside agency, the investigation must be transferred to the agency Legal Counsel who will direct all further investigation and/or handling of the matter.
- (7) All employees are responsible for ensuring the prohibition of workplace discrimination, and therefore, are encouraged to report such acts.

**b. Investigation.**

- (1) The agency Equal Opportunity Officer shall promptly conduct an investigation of complaints alleging violation(s) of commonwealth discrimination policy.
- (2) **Acknowledgement of Complaint.** Upon receipt of a complaint, the agency Equal Opportunity Officer shall issue to complainant a written acknowledgement, which states the date on which the complaint was received and that an investigation will be initiated promptly.
- (3) **Informal Resolution.** Parties may resolve complaints on an informal basis. Upon receipt of a complaint, prior to implementation of (or at any time during) a formal investigation, agency Equal Opportunity Officers may explore opportunities for resolution. If a resolution is reached, the agency Equal Opportunity Officer should request that the complainant execute Form STD-486W, Equal Employment Opportunity Discrimination Complaint Withdrawal Form; refer to Enclosure 2 of this directive, requesting closure of the complaint based on his/her satisfaction with said resolution.
- (4) **Mediation.** The agency Equal Opportunity Officer must inform the complainant of the availability of the commonwealth's mediation program. Participation in this program is optional and does not preclude the right to an investigation or other avenues of recourse. For mediation to occur, both parties must agree to participate. If the parties elect to pursue mediation, the agency Equal Opportunity Officer must notify the BEEO Director.
- (5) **Investigative File.**
  - (a) The agency Equal Opportunity Officer shall create an investigative file to be utilized as a work file during the investigation. This file must be kept separate from the employee's Official Personnel Folder (OPF).
  - (b) The investigative file must include:
    - 1 Complaint;
    - 2 Investigative log/chronology of events;
    - 3 Acknowledgement of complaint;

- 4 Investigative plan;
- 5 Correspondence;
- 6 Witness and interview statements; and
- 7 All documents/documentary evidence related to the investigation.

**(6) Investigative Plan.**

- (a) After receiving a complaint, the agency Equal Opportunity Officer must prepare an investigative plan. The investigative plan will serve as a road map for the investigation. The plan should be tailored to the complaint allegations and will outline all of the major steps of the investigation.
- (b) The plan must contain the following items:
  - 1 A complete list of the complainant's allegations;
  - 2 A preliminary list of persons to be interviewed, including the complainant, the alleged offender(s), and all witnesses;
  - 3 A preliminary list of questions for all persons identified in 7. b. (6) (b) 2, above; and
  - 4 A preliminary list of documents to be reviewed.
- (c) The plan may be modified as the investigation progresses.

**(7) Interviews.**

- (a) The agency Equal Opportunity Officer must interview all parties and witnesses who could reasonably be expected to have relevant information.
- (b) The purpose of conducting an interview is to impartially gather information and establish facts which will support/prove or disprove allegations.
- (c) **General Procedure for Every Interview.**
  - 1 Explain the purpose of the interview (i.e., impartially gather the facts).
  - 2 Review the relevant discrimination/sexual harassment policy with the witness.
  - 3 Inform each witness of the prohibition against retaliation in 5. d. of this directive and that he/she should immediately report any alleged acts of retaliation to the agency Equal Opportunity Officer.

- 4 Only disclose allegations and facts necessary to obtain relevant information from the witnesses.
- 5 Use effective questioning to gather all facts relevant to the allegations, e.g., who, what, where, when, why, and how.
- 6 Listen carefully to the witness and ask follow-up questions as necessary.
- 7 Take detailed notes during the interview. Notes should include:
  - a Name and contact information for the witness.
  - b Date, time, and location of the interview.
  - c Questions and responses.
- 8 Interview notes must be free of opinion, bias and subjectivity.
- 9 Ask whether there are other persons who have relevant information (e.g. were there any witnesses to the incident, who were they and what did they hear or see).
- 10 Advise the witness that he/she should refrain from disclosing information about the complaint or the investigation.
- 11 Following the interview, review the notes and contact the witness for clarification as necessary.
- 12 Prepare a statement based on the interview and ask the witness to review, sign and date the statement.
- 13 In accordance with [Management Directive 590.1, Labor Relations](#), when a union covered employee reasonably concludes that disciplinary action may result, the employee may request and is entitled to union representation.

**(d) Complainant Interview.**

- 1 Ask whether the complainant filed any other complaints, and if so, when and in what venue.
- 2 Ask whether the complainant is aware of other similar acts by the alleged offender.
- 3 Ask whether the complainant and the complainant's job have been affected by the alleged discrimination.
- 4 If the complainant alleges harassment, ask if any of the actions of the alleged harasser were welcome or unwelcome and whether or how this was conveyed to the alleged harasser. This may require exploration of the nature and history of the relationship of the complainant and the alleged harasser.

- 5 Ask the complainant how he/she would like to see the situation resolved.
- 6 Ask if the complainant has any other relevant information.
- 7 Avoid any promise of confidentiality, giving assurance that only those who have a legitimate need to know will be notified of the complaint. Additionally, the complainant should be advised that it will be necessary to discuss the complaint with the alleged offender.
- 8 Advise the complainant he/she will be notified of the outcome when the investigation is completed.
- 9 If the complainant is uncooperative, attempt to gain cooperation. If the complainant refuses to cooperate, make note of the refusal and consult with the Responsible Agency Official, agency Legal Counsel, and/or BEEO regarding the appropriate measures to be taken.

**(e) Alleged Offender(s) Interview.**

- 1 Explain that he/she has been identified as engaging in actions which may violate the commonwealth's policies prohibiting discrimination.
- 2 Ensure that the alleged offender understands the prohibition against retaliation as set forth in 5. d. of this directive.
- 3 Explain that the purpose of the interview is to impartially gather facts about the complaint, that no determination has been made and that you do not know the outcome of the investigation. Advise the alleged offender that he/she will be notified of the outcome when the investigation is completed.
- 4 If the alleged offender claims the allegations are false, ask why the complainant might lie, misinterpret his/her actions or provide inconsistent information.
- 5 Ask the alleged offender if there are any other persons who may be able to corroborate or confirm his/her statements, who may have witnessed any of the alleged conduct, or who may have other relevant information.
- 6 If the complainant alleges harassment occurred and the alleged offender states that all interactions were consensual; ask him/her for facts that support the defense.
- 7 If the alleged offender acknowledges any inappropriate conduct, obtain details of what happened, including; when, where, why, and the identity of any witnesses.

- 8 Ask whether the alleged offender has any other relevant information.
- 9 The alleged offender(s) must be notified of any additional allegations that emerge during the investigation and given an opportunity to respond.

**(8) Document Review.**

- (a)** The agency Equal Opportunity Officer should obtain documentary evidence or witness statements which may corroborate or refute the complainant's allegations, and/or alleged offender's defense.
- (b)** All documentation must be stored in the investigative file. Documentation should not be placed in the employee's OPF.
- (c)** The agency Equal Opportunity Officer should not make notations on any original documents or witness statements obtained during the investigation but may annotate and retain copies as work product.

**(9) Case File.**

- (a)** Upon completion of the investigation, the agency Equal Opportunity Officer shall assemble a case file, which will include the following sections:
  - 1 Table of Contents.
  - 2 Complaint.
  - 3 Investigative Plan.
  - 4 Investigative Report.
    - a A list of the complainant's allegations;
    - b The alleged offender's response to each allegation;
    - c A copy of commonwealth policy(s) applicable to the complaint;
    - d Findings of fact; and
    - e Investigative log/chronology of events.
  - 5 Correspondence. Includes all investigation-related correspondence to and from the agency Equal Opportunity Officer.
  - 6 Witness and Interview Statements. Includes a list of persons interviewed, witness statements, any other written statements submitted, and the agency Equal Opportunity Officer's written documentation of interviews.

**Z Documents.** Includes copies of all documents obtained during the investigation.

- (b)** Upon completion of the investigation, the agency Equal Opportunity Officer must submit a copy of the case file to the Responsible Agency Official. The Responsible Agency Official shall meet with the agency Equal Opportunity Officer and/or the agency's Legal Counsel to review and discuss the investigation.

**(10) Notification to Parties.**

- (a)** The Responsible Agency Official shall notify the complainant of the outcome of the investigation. The notification shall advise the complainant of his/her rights to and procedure for filing a request for internal reconsideration and or appeal to BEEO as appropriate as set forth in 7. b. (11) and (12) of this directive.
- (b)** The Responsible Agency Official shall notify the alleged offender of the outcome of the investigation.
- (c)** Notifications issued in (a) and (b) above shall be documented/recorded.

**(11) Request for Reconsideration.**

- (a)** Complainants who are not satisfied with the outcome of the investigation may file a request for reconsideration with the individual designated by the agency to carry out such function.
- (b)** The request for reconsideration must be in writing and filed within 20 calendar days of notification of the outcome.
- (c)** The Designated Agency Official shall review the request and other appropriate information as expeditiously as possible and provide written notification to complainants of the determination, and if appropriate, the right to and procedure for filing an appeal to BEEO within the timeframe set forth in 7. b. (12) (b).

**(12) Appeals.**

- (a)** Complainants who are not satisfied with an agency's decision concerning a request for reconsideration may file an appeal with BEEO.
- (b)** The appeal must be in writing and filed within 20 calendar days from the date of the written notification of the reconsideration determination, preferably on the standard Form STD-486A, Equal Employment Opportunity Discrimination Complaint Appeal Form; refer to Enclosure 3 of this directive.

**(13) Withdrawal of Complaint.** The complainant may withdraw his/her complaint at any time. Requests for withdrawal of complaints must be submitted in writing to the agency Equal Opportunity Officer, on the standard Form STD-486W, Equal Employment Opportunity Discrimination Complaint Withdrawal Form; refer to Enclosure 2. The agency Equal Opportunity Officer will confer with the Responsible Agency Official and depending upon the allegations and circumstances, the agency may continue its investigation.

**This directive replaces, in its entirety, *Management Directive 410.10*, dated February 21, 2008.**

**Enclosure 1 - Form STD-486C, Equal Employment Opportunity Discrimination Complaint Form**

**Enclosure 2 - Form STD-486W, Equal Employment Opportunity Discrimination Complaint Withdrawal Form**

**Enclosure 3 - Form STD-486A, Equal Employment Opportunity Discrimination Complaint Appeal Form**

# EQUAL EMPLOYMENT OPPORTUNITY DISCRIMINATION COMPLAINT FORM

COMMONWEALTH OF PENNSYLVANIA  
STD-486C REV. 11/12

CASE/DOCKET NUMBER	DATE OF COMPLAINT
COMPLAINANT'S NAME	EMPLOYEE NUMBER
COMPLAINANT ADDRESS	AGENCY NAME AND ADDRESS
COMPLAINANT CONTACT NUMBERS	AGENCY CONTACT NUMBERS
CURRENT COMMONWEALTH EMPLOYEE  <input type="checkbox"/> YES <input type="checkbox"/> NO	DATES OF ALLEGED DISCRIMINATION
<b>BASIS OF THE ALLEGED DISCRIMINATION:</b>  <input type="checkbox"/> RACE <input type="checkbox"/> AGE <input type="checkbox"/> SEX <input type="checkbox"/> DISABILITY <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> SEXUAL ORIENTATION <input type="checkbox"/> GENDER IDENTITY OR EXPRESSION <input type="checkbox"/> ANCESTRY <input type="checkbox"/> OTHER (SPECIFY) _____ <input type="checkbox"/> RELIGION                    _____	<b>ALLEGED DISCRIMINATORY ACT:</b>  <input type="checkbox"/> INTERVIEW <input type="checkbox"/> DISCIPLINE <input type="checkbox"/> HIRING/SELECTION <input type="checkbox"/> DISCHARGE <input type="checkbox"/> UNEQUAL PAY <input type="checkbox"/> HARASSMENT <input type="checkbox"/> PROMOTION <input type="checkbox"/> TRAINING <input type="checkbox"/> LAYOFF <input type="checkbox"/> OTHER (SPECIFY) _____ <input type="checkbox"/> TRANSFER                        _____
PLEASE IDENTIFY THE ALLEGED OFFENDER(S). PLEASE PROVIDE NAME, TITLE, ADDRESS AND TELEPHONE NUMBER FOR ALLEGED OFFENDER(S).          	

PLEASE PROVIDE DETAILS OF THE ALLEGED DISCRIMINATORY ACT(S). (USE ADDITIONAL PAPER IF NEEDED)

PLEASE PROVIDE ANY DOCUMENTS WHICH SUPPORT THE ALLEGATIONS. PLEASE DESCRIBE ATTACHMENTS. (USE ADDITIONAL PAPER IF NEEDED).

PLEASE IDENTIFY ANY OTHER INTERNAL OR EXTERNAL COMPLAINTS, GRIEVANCES, LAWSUITS, ETC. INITIATED IN RELATION TO THIS MATTER.

COMPLAINANT'S SIGNATURE

DATE

## EQUAL EMPLOYMENT OPPORTUNITY DISCRIMINATION COMPLAINT WITHDRAWAL FORM

COMMONWEALTH OF PENNSYLVANIA  
STD-486W REV. 11/12

CASE/DOCKET NUMBER	DATE OF COMPLAINT
COMPLAINANT'S NAME	EMPLOYEE NUMBER
COMPLAINANT ADDRESS	AGENCY NAME AND ADDRESS
COMPLAINANT CONTACT NUMBERS	AGENCY CONTACT NUMBERS
PLEASE INDICATE WHY A WITHDRAWAL OF THIS COMPLAINT IS REQUESTED (USE ADDITIONAL PAPER IF NEEDED)	

Please note that your request for withdrawal of your complaint will be considered. However, depending upon the allegations and circumstances, the agency may continue with its investigation.

**RETALIATION OF ANY KIND IS PROHIBITED AGAINST PERSONS WHO HAVE FILED CHARGES, TESTIFIED, ASSISTED, OR PARTICIPATED IN ANY PROCEEDING, INVESTIGATION OR HEARING REGARDING A COMPLAINT OF DISCRIMINATION**

**I HAVE NOT BEEN FORCED TO REQUEST THIS WITHDRAWAL.**

COMPLAINANT'S SIGNATURE	DATE
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# EQUAL EMPLOYMENT OPPORTUNITY DISCRIMINATION COMPLAINT APPEAL FORM

COMMONWEALTH OF PENNSYLVANIA  
STD-486A REV. 11/12

CASE/DOCKET NUMBER	DATE OF COMPLAINT
COMPLAINANT'S NAME	EMPLOYEE NUMBER
COMPLAINANT ADDRESS	AGENCY NAME AND ADDRESS
COMPLAINANT CONTACT NUMBERS	AGENCY CONTACT NUMBERS
CURRENT COMMONWEALTH EMPLOYEE <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE OF NOTIFICATION LETTER*
PLEASE INDICATE WHY AN APPEAL IS REQUESTED IN THIS CASE (USE ADDITIONAL PAPER IF NEEDED)	

\* THIS APPEAL MUST BE SUBMITTED WITHIN 20 CALENDAR DAYS OF RECEIPT OF LETTER ADVISING OF THE RECONSIDERATION DETERMINATION.

**OFFICE OF ADMINISTRATION  
OFFICE FOR HUMAN RESOURCES MANAGEMENT  
BUREAU OF EQUAL EMPLOYMENT OPPORTUNITY  
FINANCE BUILDING, ROOM 222  
613 NORTH STREET  
HARRISBURG, PA 17120  
PHONE: 717.783.1130 FAX 717.772.3302**

COMPLAINANT'S SIGNATURE	DATE
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**Exhibit L**  
**OJT Training Special**  
**Provisions**

## **ITEM 3999-9999(ITEM 1999-9999) - TRAINEES**

### **Provision Body:**

This Special Provision is an implementation of 23 U.S.C. 140 (a).

I. DESCRIPTION - As part of the project equal employment opportunity affirmative action program, provide on the job training aimed at developing candidates toward full journeymen in the type of trade or job classification involved.

The number of trainees to be trained under this contract is (*as found in the Project Specific Details, Detail 1.*)

### II. CONSTRUCTION -

(a) In the event a subcontract is given for a portion of the contract work, determine how many, if any, of the trainees are to be trained by the subcontractor. However, retain the primary responsibility for meeting the training requirements imposed by this special provision. Insure that this Special Provision is physically included and is made applicable to any such subcontract. Where feasible, provide 25% of apprentices or trainees in each occupation, in their first year of apprenticeship or training.

(b) Distribute the number of trainees among the work classifications on the basis of the project needs and the availability of journeymen in the various classifications within a reasonable area of recruitment. Within 10 calendar days following the Notice to Proceed, submit to the Department for approval the number of trainees to be trained in each selected classification and training program to be used, specifying the starting time for training in each of the classifications. The Department will give credit for each trainee employed on the contract who is currently enrolled or becomes enrolled in an approved program and payment will be made for such trainees as provided herein.

(c) Training and upgrading of minorities and women toward journeyman status is a primary objective of this Special Provision. Accordingly, make every effort to enroll minority trainees and women (e.g., by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees) to the extent that such persons are available within a reasonable area of recruitment. Accept responsibility for demonstrating that steps are taken in pursuance thereof, prior to a determination as to whether compliance is made with this Special Provision. This training commitment is not intended, and do not use it, to discriminate against any applicant for training, whether a member of a minority group or not.

(d) Do not employ a person as a trainee in any classification in which he/she has successfully completed a training program leading toward journeyman status or in which he/she has been employed as a journeyman. Candidates may be trained a maximum of 3 times as long as the training is not repetitious in the scope of work and is not on the same project. Those candidates having attained journeyman status would be acceptable as trainee candidates only in classifications where they have not attained journeyman status. Satisfy this requirement by including appropriate questions in the employee application or by other suitable means. Regardless of the method used, provide records documenting the findings in each case.

(e) The minimum length and type of training for each classification will be as established in the training program selected and submitted to and approved by the Department. The Department will approve a program if it is reasonably calculated to meet the project equal employment opportunity obligations and gives meaningful training to move candidates toward journeyman status. Furthermore, apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the

Bureau and training programs approved but not necessarily sponsored by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training will also be considered acceptable provided they are being administered in a manner consistent with the equal employment obligations of Federal-aid highway construction contracts. Obtain approval or acceptance of a training program and training candidate from the Department prior to commencing work on the classification covered by the program. It is the intention of these provisions that training is to be provided in the construction crafts rather than clerk-typists or secretarial-type positions. Training is permissible in lower level management positions such as office engineers, estimators, timekeepers, etc., where the training is oriented toward construction applications. Training in the laborer classification may be permitted provided that significant and meaningful training is provided and approved by the Department. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a significant part of the overall training.

(f) Furnish the trainee a copy of the program he/she will follow in providing the training.

(g) Provide each trainee with a certification showing the type and length of training satisfactorily completed.

(h) Provide for the maintenance of records and furnish required reports documenting his/her performance under this Special Provision.

(i) Pay no less than the common laborer rate for this project to any trainee performing in a construction craft (percentage payments are no longer in effect). Pay non-construction crafts, such as timekeeper, office manager, and surveyor, the fair market rate for those services or classifications. Trainees in construction crafts may remain at the common laborer rate throughout the training program. Upon completion, pay trainees in accordance with wage rates scale for this contract for work performed. In the case of apprentices, the appropriate rates approved by the Federal Departments of Labor or Transportation in connection with the existing program apply to all trainees being trained for the same classification who are covered by this Special Provision.

### III. MEASUREMENT AND PAYMENT - Hour

Will be paid as follows:

(a) Except as otherwise noted below, payment will be made per hour of training given an employee on this contract in accordance with an approved training program. As approved by the Engineer, payment will be made for training persons in excess of the number specified herein. Payment for offsite training indicated above may only be made where one or more of the following is done and the trainees are concurrently employed on a Federal-aid project; contributes to the cost of the training, provides the instruction to the trainee or pays the trainee's wages during the offsite training period.

(b) No payment will be made due to failure to provide the training required as stated in the approved training program. Make every good faith effort to retain the trainee upon completion of the training program, if work continues to be available in that classification. It is normally expected that a trainee will begin his/her training on the project as soon as feasible after start of work utilizing the skill involved and remain on the project as long as training opportunities exist in the work classification or until he/she has completed the training program. It is not required that all trainees be on board for the entire length of the contract. Responsibilities will have been fulfilled under this Special Provision if acceptable training has been provided to the number of trainees specified. Determine the number trained on the basis of the total number enrolled on the contract for a significant period.

**Project Specific**

**Details:**

1. The number of trainees to be trained under this contract as referred to in para I. is: (fill in number of trainees here)

**Exhibit M**  
**OJT Procedures POM**

REPLACES <b>B.11.3</b>	PENNSYLVANIA DEPARTMENT OF TRANSPORTATION	PART <b>B</b>	SECTION <b>11</b>	PAGE <b>3-1</b>
DATED <b>03/01/1996</b>	<b>PROJECT OFFICE MANUAL</b>	DATE <b>March 1, 2011</b>		
SUBJECT <b>REVIEW AND APPROVAL OF TRAINING PROGRAMS FOR TRAINEES ON FEDERAL-AID CONSTRUCTION PROJECTS</b>				

When construction contracts include a training item and the corresponding special provision, the following procedure is to be followed in the processing and review of the training program submitted by the Contractor to the District for approval:

1. Within ten (10) days following the Notice to Proceed, the Contractor is to submit to the District Engineer the number of trainees to be trained in each selected classification and the corresponding training programs to be used. The distinction between Apprentices and On-The-Job Trainees (OJT) must be understood.
2. The Contractor's submission will first be reviewed by the Assistant District Engineer for Construction or his/her designee for the following:
  - a. The Contractor's training program must be the original (Copies or faxes of the original training program are not acceptable).
  - b. The number of trainees submitted must comply with the number designated in the contract. (1000 HOURS = 1 TRAINEE)
  - c. Apprentices are permitted when they are individually registered under a bona fide apprenticeship program registered with a state apprenticeship agency, which is the PENNSYLVANIA APPRENTICESHIP AND TRAINING COUNCIL. The Contractor is to provide a copy of the apprenticeship agreement and a cover letter from the apprenticeship agency outlining the apprentice's present status toward completion of the program.

The training program for each classification must be complete and contain all the information required by the special provision:

- (1) If the Contractor's training program includes Apprentices approved by the U.S. Department of Labor, the following statement must be included: "The Contractor will provide 800-1000 hours of training for each Apprentice". Trainees coming into the program from approved Apprenticeship programs should be called Apprentices not OJT Trainees. Both Apprentices and OJT Trainees are to be persons of the targeted group (i.e., minority, female or disadvantaged person).
- (2) If the Contractor's training program is to be an OJT program, the program number must be included in the submission.

PART <b>B</b>	SECTION <b>11</b>	PAI <b>3-2</b>	DATE <b>March 1, 2011</b>
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- d. Training programs will be approved only if they meet the standards set forth with regard to:
    - (1) The primary objectives of training and upgrading minority group workers, women and disadvantaged persons.
    - (2) The development toward journeyman status.
    - (3) The minimum length and type of meaningful training.
    - (4) The minimum wage to be paid to OJT Trainee (No less than Common Labor Rate for project). For apprentices, pay (% rate) is dictated by the year they are enrolled in their program. For example, 1<sup>st</sup> year apprentices usually get paid 60% of the journeyman rate.
    - (5) Anticipated start date for each trainee (Month, Year).
    - (6) Contractor to keep records and submit reports.
    - (7) Trainee Certificate attached (Original and Professional documents).
  - e. The classifications proposed must be appropriate for the specific project, (i.e., the character, duration and nature of the project operations must readily support the proposed training program).
  - f. The training program must be completed within the time required to perform the contract items of work involved. Form [D-476](#), Distribution of Contract Time, and related information should be used for this analysis.
3. If the Contractor's submission is not acceptable, or if in the opinion of construction personnel, the character, duration or nature of the project operations cannot support the proposed training classification, the training program will not be approved. The Contractor's submission will be returned for correction and resubmission.
  4. If the Contractor's submission is satisfactory, the Assistant District Engineer for Construction will prepare for the District Engineer's signature the transmittal of the Contractor's ORIGINAL submission to the Bureau of Equal Opportunity with pertinent comments addressing items 2a through 2f. Concurrently, the Contractor will be given tentative approval by the DISTRICT ENGINEER to implement the training program. Every effort shall be made to provide this tentative approval or the return of an unsatisfactory program within ten (10) days of the receipt of the program in the District Office.

PART <b>B</b>	SECTION <b>11</b>	PAI <b>3-3</b>	DATE <b>March 1, 2011</b>
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5. The Bureau of Equal Opportunity will review and approve or disapprove the submission, consulting with the Bureau of Construction and Materials, when necessary, to evaluate unusual or questionable situations.
6. The Bureau of Equal Opportunity will notify the District Engineer or his/her designee of approval or disapproval.

Disapproval will be denoted by the return of the original training program with a cover letter of explanation. The District will return the training program to the Contractor for correction. Upon receipt in the District of the corrected program from the Contractor, the District will again ensure that the program is an original; resubmitting, following the same procedures outlined in paragraph 4.

Approval will be denoted by a copy of the training program bearing a stamped approval duly signed and dated by the Director, Bureau of Equal Opportunity or his/her designee.

The approved copy of the training program will be returned to the District for reproduction and distribution as follows:

- 1 for District Construction Unit
- 1 for Inspector-in-Charge (project)
- 1 for Contractor

The Contractor is to provide each trainee with a copy of the training program for the applicable classification. If the trainee is the employee of an approved Subcontractor, the Subcontractor must also be provided a copy of the training program.

7. Changes in classification will be considered during construction provided sufficient time remains to complete the proposed classification. The Inspector-in-Charge will always be consulted when revisions are submitted to review the remaining time and scope of work.

Trainees proposed by revised programs must not start work prior to the tentative approval authorized by the District Engineer in accordance with paragraph 4.

8. Should a trainee be unable to return to a project to complete a training program following a layoff or for other reasons, every good faith effort (documented) is to be made by the Contractor to replace that trainee with another target group candidate. This situation may cause a revision in the original program as the new trainee would begin a new program or the existing program for zero hours completed. The Inspector-in-Charge should always be consulted when changes to an approved program are contemplated.

PART <b>B</b>	SECTION <b>11</b>	PAGE <b>3-4</b>	DATE <b>March 1, 2011</b>
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REPLACES	PENNSYLVANIA DEPARTMENT OF TRANSPORTATION	PART	SECTION	PAGE
DATED		<b>B</b>	<b>11</b>	<b>4-1</b>
SUBJECT	<b>PROJECT OFFICE MANUAL</b>	DATE <b>March 1, 1996</b>		
<b>GUIDELINES FOR IMPLEMENTATION OF TRAINING PROGRAMS/REPORTS</b>				

The following guidelines are to be used for monitoring Training Programs on Federal-aid projects which include trainees:

1. Payments for hours worked in a training position will not be paid until the District has received, reviewed and granted conditional approval to the training program.
2. Form [EO-364](#), Trainee Enrollment Form, must be completed by the Contractor prior to filling any training position. This report is to ensure the Contractor has taken "Positive Steps" to recruit for a minority/female/disadvantaged person and the selected trainee has not previously completed training in the same classification. The Contractor must submit the completed original plus two (2) copies to the project Inspector-in-Charge prior to the employee starting training in any classification. The project Inspector-in-Charge or his/her designee will file one copy and forward the original and one copy to the District EEO Officer.
3. Written documentation of "Good Faith Effort" to recruit a minority or female must accompany any initial report reflecting the hiring of a white male to fill a training slot. If the white male is disadvantaged, this documentation should also be provided. It is expected that sources other than Unions be contacted that are likely to yield individuals of the targeted groups.
4. Hours completed prior to notification to the Inspector-in-Charge of a trainee working on-site will not be counted toward the training programs hours and will not be eligible for payment under the bid item for training. Appeals will be reviewed by the District ADE-Construction, the District EEO officer and Central Office personnel.
5. Payment for trainees will be made as the hours completed are reported and verified. Payment may be deleted at a later date if it is determined that the individual has previously been trained in the same class, that the work assigned is not within the training program or the trainee has been terminated without ample opportunity to complete the program. (Contractor's default)
6. A trainee will not be started or placed in a classification if ample time is not available for the trainee to complete hours assigned to that classification. Apprentices must be able to complete at least 800 hours of the assigned program prior to attaining Journeyman status.

PART <b>B</b>	SECTION <b>11</b>	PAI <b>4-2</b>	DATE <b>March 1, 1996</b>
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7. If a trainee is terminated as a result of injury, resignation, firing or accepting employment elsewhere prior to being recalled, a replacement must be obtained as soon as possible. If there are insufficient hours of work remaining for that classification, the Contractor and the District must review the remaining scope of work for the possibility of selecting another training class. Subsequent to this review, if the Contractor and the District concur that there are no other possible training classes (due to no fault of the Contractor) the training classification will be determined to be closed and hours completed paid for.
8. Trainees should not receive preferential treatment when administering work rules, but we would expect counseling be given prior to termination. The Inspector-in-Charge and the Department's Supportive Services Consultant are to be informed of problems with the trainee's performance and/or attitude.
9. The Inspector-in-Charge must insure all applicable items on the training report (See Form [EO-365](#)) have been addressed by the Contractor prior to forwarding the original and one copy to the District EEO Officer.

**NOTE:** The "hours of training" reported during the month must be broken down in the Summary of Specific Tasks Performed box on the report. The Contractor should utilize the back of the form if more space is necessary.

Signatures must be on the original. If a trainee cannot sign the report due to absence, lay-off, on another project, etc., it must be noted on the report "Trainee unavailable to sign due to ...". Signature by the Inspector-in-Charge indicates concurrence with the hours worked in the program class.

10. Due Dates are to be adhered to by the Contractor regarding the following reports. The [EO-364](#), Trainee Enrollment Form Should be submitted immediately to the project office who in turn should submit the form to the District EEO Officer immediately. The [EO-365](#), Monthly Training Report is due to the project Inspector-in-Charge by the 30th of the month. It is due to the District EEO Officer by the 5th of the following month.
11. If a Contractor fails to complete the required number of trainees and it is determined by the District and the Bureau of Equal Opportunity that the Contractor did not demonstrate "Good Faith Effort" to comply, a memo regarding the same will be placed in the Contractor's performance file and so noted on the past performance record of the Contractor. The Prequalification Office, Contract Management Division, Bureau of Construction and Materials, is also to be notified of these determinations.
12. The Department has a contract with the Contractor. It is the responsibility of the Contractor to comply with all provisions. If training is assigned to a Subcontractor, it is still the responsibility of the Contractor to ensure compliance with the provision.

PART <b>B</b>	SECTION <b>11</b>	PAI <b>4-3</b>	DATE <b>March 1, 1996</b>
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Project Inspector-in-Charge should insure that the trainee receives a copy of all reports, ([EO-364](#), [EO-365](#)). When applicable, if a trainee successfully completes his/her training on the project, the project Inspector-in-Charge should verify that the trainee received a certificate showing the type and length of training satisfactorily completed. If not, the District is to notify the Bureau of Equal Opportunity, who will provide the necessary follow up for this item.

The Certification Sheet of each "OJT" program must be completed by the Contractor and accompany the final report (See Form [EO-365](#)), regardless if trainee completed or not.

PART <b>B</b>	SECTION <b>11</b>	PAGE <b>4-4</b>	DATE <b>March 1, 1996</b>
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**Exhibit N**  
**OJT Forms**





# PennDOT OJT PROGRAM ENROLLMENT FORM

## Project Information

ECMS Number	Federal Project Number	100% State Funded: <input type="checkbox"/> Yes <input type="checkbox"/> No	S.R. Number	Sec. Number	PA Engineering District
PROJECT MANAGED BY:	<input type="checkbox"/> PennDOT _____	Telephone/Cell Phone Number		Email Address	
	<input type="checkbox"/> Consultant _____	Telephone/Cell Phone Number		Email Address	

## Contractor Information

Training Provider's Name	Telephone Number	Email Address		
Prime Contractor's Name	Is Training Provider Union Contractor? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Project Office Address	City	State	Zip Code	
Project Office Contact:	Telephone Number	Email Address		
Training Providers EEO Officer's Name	Telephone Number	Email Address		

## Trainee Candidate Information

First Name	M.I.	Last Name	Social Security Number	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
Street Address			Apt./Unit Number	
City	State	Zip Code	Telephone/Cell Phone Number	
Do you have any experience in the proposed training classification? <input type="checkbox"/> Yes <input type="checkbox"/> No		If YES, please explain:		
Race/Ethnicity Select One		If you selected Other, please specify:		

## Training Information

PennDOT-Approved Training Classification Title (Program Number)	Program Hours	Anticipated Start Date
This Training Position is being Filled by an: <input type="checkbox"/> OJT <input type="checkbox"/> Apprentice <input type="checkbox"/> New Union Member <input type="checkbox"/> Other		If "Other" or "New Union Member" Identify Candidate's Current Status:
Upgrade Current Employee? <input type="checkbox"/> Yes <input type="checkbox"/> No	Current Employee's Work Classification	
Apprenticeship Construction Craft Classification	Apprentice Hours Already Completed	

## Wage Rate Identification

For Apprentices Only: Apprentice's Current Skill Level:		Hourly Rate (Per Skill Level)	Journeyperson Rate for Construction Craft:
For Non-Union Trainees Only:		Hourly Rate	Wage Rate Scale for Training Classification:
Federally Funded Project/Davis Bacon Wage Rates: <input type="checkbox"/> Yes <input type="checkbox"/> No	Davis Bacon Construction Title Classification: _____ Hourly Rate: _____ Group Number: _____	Wage Rate Scale for Training Classification: Craft Title: _____ Group Number: _____	
100% State Funded Project/L&I Prevailing Wage Rates: <input type="checkbox"/> Yes <input type="checkbox"/> No	Construction Craft Classification: _____ Hourly Rate: _____ Class Number: _____	Wage Rate Scale for Training Classification Class Number: _____	
New Union Member: <input type="checkbox"/> Yes <input type="checkbox"/> No	Name of Union: _____	Union Membership Began: _____	Journey Person Wage Rate for Union Classification:
<b>Fair Market Wage Rate - Source Used to Determine Fair Market Rate:</b> _____			
Non-Construction Training Classification Title: _____		Median Level Wage Rate: _____	
Entry Level Wage Rate: _____		Experienced Level Wage Rate: _____	

## Trainee Declaration

By my signature, I attest to the following:		
<ol style="list-style-type: none"> <li>I have received, read, and understand the terms and conditions of my employment and a copy of this training program. Furthermore, I understand that the purpose of the training program and can comply with all conditions set forth in the program.</li> <li>I further state that my signature here indicates that I have not completed a training program in this classification, nor have I been listed as a journeyperson in this classification on any contractor's payroll and/or I have not been successfully employed in the classification for which I am now being considered.</li> </ol>		
TRAINING CANDIDATE Printed Name:	Signature:	Date:
CONTRACTOR'S PROJECT MANAGER Printed Name:	Signature:	Date:
PENNDOT PROJECT MANAGER Printed Name:	Signature:	Date:

## THIS IS AN EQUAL OPPORTUNITY PROGRAM

Training Special Provisions Item 3999-9999 (ITEM1999-9999) – TRAINEES – this provision is an implementation of 23 U.S.C. 140(a).

**Description** - As part of the project equal employment opportunity affirmative action program, training and upgrading of minorities and women toward journeyman status is a primary objective of this Special Provision. Accordingly, make every effort to enroll minority trainees and women (e.g., by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees) to the extent that such persons are available within a reasonable area of recruitment. Accept responsibility for demonstrating that steps are taken in pursuance thereof, prior to a determination as to whether compliance is made with this Special Provision.

Do not employ a person as a trainee in any classification in which he/she has successfully completed a training program leading toward journeyman status or in which he/she has been employed as a journeyman. Candidates may be trained a maximum of three times as long as the training is not repetitious in the scope of work and is not on the same project.

Furthermore, apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with the State apprenticeship agency by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, will also be considered acceptable provided they are being administered in a manner consistent with the equal employment obligations or Federal-aid highway construction contracts.

It is the intent of the training special provision that training will be provided in the construction trades rather than clerical-type positions. PennDOT will consider the approval of training programs in lower-level management positions where the training is oriented toward construction-related activities such as office computer technicians, construction office managers and project administrators, timekeepers, surveyors, etc., when there are more than three trainee slots assigned to a project.

**Instructions for completing the EO-364: (PLEASE PRINT OR TYPE)** - The Enrollment form (EO-364) is to be completed by the Training Provider for each candidate selected for on-the-job training participation when Training Special Provisions (TSP) is included in the project's contract. A completed EO-364 containing original signature must be submitted to the PennDOT IIC for review and their Conditional Approval PRIOR to starting any candidate's training. If the candidate selected for training is unavailable to sign the EO-364, a note explaining that should be written in the item box identified for their signature, then that information should be initialed and dated by the representative providing the information. IF THERE IS A SECTION ON THIS ENROLLMENT FORM THAT IS NOT APPLICABLE, (i.e., the Union Section would not be applicable to the Non-Union Contractors) PLEASE ENTER "N/A" IN THE RESPONSE AREA.

Both Hourly & Journeyperson wage rates are applicable to ALL enrollments, so both rates must be accurately identified on the EO-364. The Journeyperson wage rate is the wage rate scale for the approved training classification. Each Project's Wage Rate information is posted on ECMS; the Davis Bacon Prevailing Wage Rates are referenced for Federally funded projects; and the L&I Prevailing Wage Rate information is referenced for 100% State funded projects. The duties identified in the training program outline should be compared to the duties as identified in the wage rate information provided by ECMS to accurately identify the appropriate wage rates.

When training Apprentices, their current Union Indenture (or Registration) papers identify the accurate wage rate scale for the apprentice's skill level. They identify the journeyperson wage rate for their construction craft classification, and it identifies the time frame it will take the apprentice to achieve Journeyperson status.

If a current employee is your candidate for training, identify their current status with your company, their current wage rate, how the completion of this training would advance their skill level and earnings potential (this documentation can be provided on a separate sheet of paper).

If the training to be provided is that of a Laborer craft classification, you must be able to demonstrate that the training provided will provide a significant and meaningful training opportunity for the candidate selected.

When the approved Training is a Non-Construction Craft Classification the Fair Market Wage Rates (Entry Level, Median Level and Experienced Level) must be identified and the Prevailing Wage Rate Source used to make that identification must be identified (Web Address can also be identified).

If there is not enough room on the EO-364 form to provide the details that demonstrate the proposed enrollment is in compliance with the Training Special Provisions, please provide that information as an Addendum page to be submitted along with the EO-364.

### **Ethnicity Verification**

When there is a questionable ethnic claim concerning an individual submitted for participation in the OJT Program, further documentation of that claim may be necessary. Acceptable documentation for ethnicity verification includes, in order of preference:

- Birth certificate
- Naturalization papers
- Native American – Indian Tribal roll, tribal voter registration certificate, or other official document
- History of individual having held himself to be a member of the minority group or community (driver's license, school, medical, and service records)
- Recognition of applicant in a particular minority community as a minority through sworn and notarized statements from bona fide members of the community, who are clearly disinterested parties
- Proof of membership and interaction in recognized minority organizations
- If requested, the Contractor will be required to obtain this information from the employee claiming the minority status
- If an individual requesting minority status cannot provide acceptable documentation and does not manifest the visual characteristics of the ethnic group claimed, the individual cannot claim minority status for the purpose of the OJT Program
- If a person manifests the visual characteristics of an acceptable ethnic minority group, the contractor may consider the person to be a member of that group.

**– OJT PROGRAM FORMS SHOULD NOT BE DUPLICATED –  
THEY SHOULD BE ACCESSED AND COMPLETED ONLINE THEN DOWNLOADED**



# HIGHWAY CONTRACTOR'S MONTHLY TRAINING REPORT

ECMS Number	Federal Project Number	District	S.R. Number	Sec. Number	PA Engineering District
Payroll Period	Beginning:	Ending:			

## INSTRUCTIONS

This report is to be completed monthly by the contractor for each trainee employed on this project under the Training Special Provisions. The EO-365 is to be submitted, for the duration of each training classification, by the 5th day following the end of the pay period prior to the 30th of the month. An original copy must be submitted to the PennDOT Construction Services Engineer in Charge (PIC).

**If the contractor is experiencing any difficulties with the trainee at any time, the PIC must be notified immediately of the difficulties. The PIC shall be notified at the time of a termination or completion by filing an EO-365 report at that time regardless of the calendar date.**

(Please Print Or Type)

Trainee Name:		Address:		Last Four Digits of SSN:	
<input type="checkbox"/> Male	<input type="checkbox"/> Female	Date of Birth:	Type of Training: <input type="checkbox"/> On-the-Job Trainee <input type="checkbox"/> Apprentice <input type="checkbox"/> Union Member		
Employee Status: <input type="checkbox"/> New Hire <input type="checkbox"/> Upgrade a Current Employee					
Ethnic group Designation: <input type="checkbox"/> White Not of Hispanic Origin <input type="checkbox"/> Black Not Hispanic <input type="checkbox"/> Hispanic <input type="checkbox"/> American Indian Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian or other Pacific Islander <input type="checkbox"/> Two or More Races					
Approved Trainee Classification:					
Date Training Started:		Trainee's Hourly Rate:			
Hours of Training This Month:		Hours of Training To Date:		Hours of Training Remaining:	
Date Training Completed:					
Summary of Specific Tasks Performed:					
Evaluation of Trainee:					
TERMINATION: (State Reason for Termination)				Date of Termination:	
Lay-Off:			Date of Lay-Off:		Anticipated Recall Date:
NAME OF CONTRACTOR PROVIDING TRAINING:				Telephone Number:	
REPORT PREPARED By (Title of Contractor's Representative):				Date:	
PRINTED NAME:		SIGNATURE:			
TRAINEE CANDIDATE:				Date:	
PRINTED NAME:		SIGNATURE:			
REVIEWED By: (PennDOT Project Inspector in Charge)				Date:	
PRINTED NAME:		SIGNATURE:			

**Exhibit O**  
**PR-1392 Detailed Analysis**

**PennDOT PR 1392 Annual Report Analysis 2015**

	2014		2015		CHANGE	
PROJECTS	455		462		7	1.54%
DOLLAR VALUE	\$4,504,372,968.00		\$4,521,724,154.29		\$17,351,186	0.39%
TOTAL EMPLOYMENT	9106		9212		106	1.16%
MINORITY EMPLOYMENT	828	9.09%	874	9.49%	46	5.56%
WOMEN EMPLOYMENT	511	5.61%	492	5.34%	-19	-3.72%

**EMPLOYMENT DATA**

	TOTAL EMP.				MINORITY EMP.				FEMALE EMP.			
	2014	2015	CHANGE		2014	2015	CHANGE		2014	2015	CHANGE	
OFFICIALS/MANAGERS	116	120	4	3.45%	7	8	1	14.29%	8	9	1	12.50%
SUPERVISORS	485	492	7	1.44%	18	19	1	5.56%	5	7	2	40.00%
FOREMAN/WOMAN	828	817	-11	-1.33%	35	34	-1	-2.86%	6	4	-2	-33.33%
CLERICAL	313	319	6	1.92%	3	6	3	100.00%	178	150	-28	-15.73%
EQUIPMENT OPERATORS	1514	1543	29	1.92%	68	66	-2	-2.94%	31	30	-1	-3.23%
MECHANICS	151	147	-4	-2.65%	14	8	-6	-42.86%	0	0	0	0.00%
TRUCK DRIVERS	752	749	-3	-0.40%	24	29	5	20.83%	14	11	-3	-21.43%
IRONWORKERS	130	141	11	8.46%	31	35	4	12.90%	3	5	2	66.67%
CARPENTERS	794	801	7	0.88%	72	76	4	5.56%	24	16	-8	-33.33%
CEMENT MASONS	181	176	-5	-2.76%	29	30	1	3.45%	1	4	3	300.00%
ELECTRICIANS	122	141	19	15.57%	7	9	2	28.57%	2	3	1	50.00%
PIPEFITTERS/PLUMBERS	1	3	2	200.00%	0	0	0	0.00%	0	0	0	0.00%
PAINTERS	180	196	16	8.89%	55	63	8	14.55%	0	5	5	500.00%
LABORERS/SEMI-SKILLED	2578	2591	13	0.50%	279	294	15	5.38%	99	104	5	5.05%
LABORERS/UNSKILLED	961	976	15	1.56%	186	197	11	5.91%	140	144	4	2.86%
<b>TOTALS</b>	<b>9106</b>	<b>9212</b>	<b>106</b>	<b>1.16%</b>	<b>828</b>	<b>874</b>	<b>46</b>	<b>5.56%</b>	<b>511</b>	<b>492</b>	<b>-19</b>	<b>-3.72%</b>

PENNDOT PR 1392 Annual Report Analysis
<b>TRAINING DATA 2015</b>

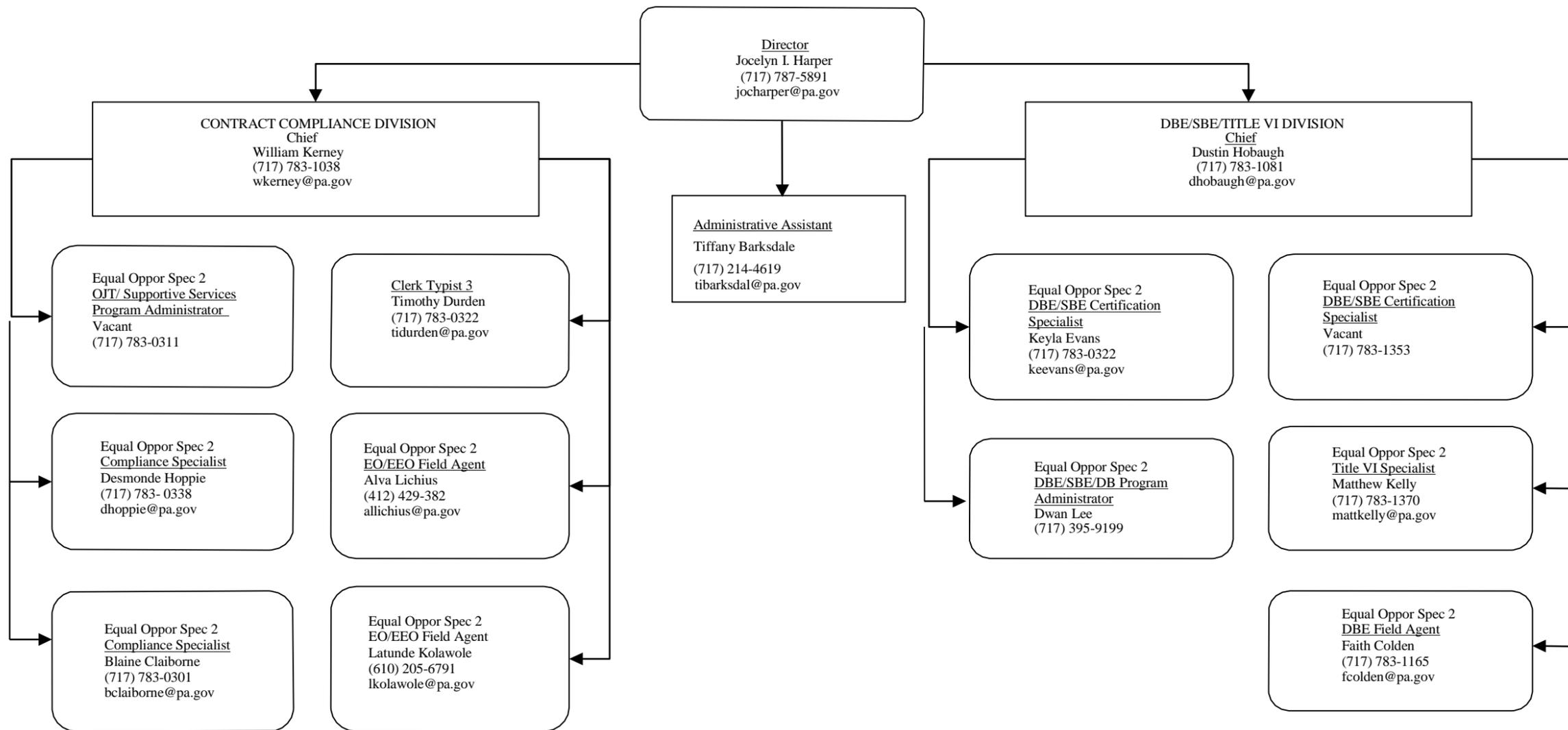
**EMPLOYMENT DATA**

	TOTAL TRAINING				MINORITY TRAINING				FEMALE TRAINING			
	<u>2014</u>	<u>2015</u>	<u>CHANGE</u>		<u>2014</u>	<u>2015</u>	<u>CHANGE</u>		<u>2014</u>	<u>2015</u>	<u>CHANGE</u>	
APPRENTICE	119	134	15	12.61%	46	53	7	15.22%	20	22	2	10.00%
ON-THE-JOB	28	30	2	7.14%	23	26	3	13.04%	10	11	1	10.00%
<b>TOTALS</b>	<b>147</b>	<b>164</b>	<b>17</b>	<b>11.56%</b>	<b>57</b>	<b>73</b>	<b>16</b>	<b>28.07%</b>	<b>30</b>	<b>33</b>	<b>3</b>	<b>10.00%</b>

# **Exhibit P**

## **Bureau Organization Chart**

Bureau of Equal Opportunity  
Pennsylvania Department of Transportation  
400 North Street  
5<sup>th</sup> Floor, Keystone Building  
Harrisburg, PA 17120  
Phone: (717) 787-5891 or 1(800) 468-4201  
Fax: (717) 772-4026



## **Exhibit Q**

# **Administration Deputate Organization Chart (Internal/External EO Offices)**

